

MEETING

STATE OF CALIFORNIA

CALIFORNIA PERFORMANCE REVIEW COMMISSION

CORRECTIONS REFORM AND PUBLIC SAFETY

CARPENTER PERFORMING ARTS CENTER

CALIFORNIA STATE UNIVERSITY, LONG BEACH

1250 BELLFLOWER BOULEVARD

LONG BEACH, CALIFORNIA

FRIDAY, SEPTEMBER 10, 2004

10:00 A.M.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

CALIFORNIA STATE UNIVERSITY, LONG BEACH

Dr. Robert C. Maxson, President

COMMISSION MEMBERS

Bill Hauck, Co-Chairperson  
President, CA Business Roundtable

Joanne Kozberg, Co-Chairperson  
Partner, CA Strategies

Patricia Bates, Assembly Member  
California State Legislature

Jess "Jay" Benton, Executive Vice President  
ABM Industries

Dale Bonner, Partner  
Epstein Becker & Green, P.C.

Jim Brulte, Senator  
California State Legislature

James Canales, President & CEO  
The James Irvine Foundation

Mike Carona, Sheriff  
Orange County

Patricia Dando, Vice-Mayor  
City of San Jose

Denise Ducheny, Senator  
California State Legislature

Joel Fox, President  
Small Business Action Committee

Steve Frates, Ph.D.  
Claremont-McKenna College

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APPEARANCES (CONT.)

COMMISSION MEMBERS (CONT.)

J.J. Jelincic, President  
CA State Employees Association

Steve Olsen, Vice Chancellor  
Finance & Budget  
University of California, Los Angeles

Beverly O'Neill, Mayor  
City of Long Beach

Peter Taylor, Managing Director  
Lehman Brothers Public Finance

Carol Whiteside, President  
Great Valley Center

Leland Yee, Assembly Member  
California State Legislature

CORRECTIONS INDEPENDENT REVIEW PANEL

George Deukmejian, Former Governor  
State of California  
Chairman, Corrections Independent Review Panel

Joe Gunn, Executive Director  
Corrections Independent Review Panel

Michael Drake, M.D.  
Vice President for Health Affairs,  
University of California

Curtis Hill, Sheriff/Coroner  
San Benito County

Barry Krisberg, Ph.D., President  
National Council on Criminal Justice and  
Delinquency

David Meyer, J.D., Clinical Profession/Research Scholar  
Institute of Psychiatry, Law and Behavioral Sciences  
USC Keck School of Medicine

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CORRECTIONS INDEPENDENT REVIEW PANEL (CONT.)

David Paulson, District Attorney  
Solano County

Jerry Powers, Chief Probation Officer,  
Stanislaus County  
Secretary, Chief Probation Officers of California

Gloria Romero, Senator  
California State Legislature

Don Spector, Director  
Prison Law Office

HOMELAND SECURITY AND PUBLIC SAFETY PANEL

Alan W. Barcelona, Special Agent  
Department of Justice  
President, CAUSE Unit 7

Jack Blackwell, Regional Administrator  
United States Forestry Service

Dave Carlson, Fire Chief, Riverside City Fire Department  
Representative, California Fire Chiefs Association and  
the California Metropolitan Fire Chiefs Association

Nancy O'Malley, Chief Deputy District Attorney  
Santa Clara County

Laurie Smith, Sheriff  
Santa Clara County

STAFF

Chon Gutierrez, Co-Executive Director  
California Performance Review

Manny Padilla, Team Leader

Ed Fincel, Team Leader

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## 1 P R O C E E D I N G S

2 COMMISSION CO-CHAIRPERSON KOZBERG: Good morning.

3 We're delighted to be with you today, on this gorgeous  
4 campus. One of the big treats we've had in touring the  
5 State of California is to see the incredible public spaces  
6 and places that this State is rewarded to have on its  
7 campuses.

8 Can you hear me now?

9 Good morning, we're delighted to be with you in  
10 Long Beach. As you know, we have been touring the State,  
11 hearing public input on the California Performance Review.

12 Let me go around and we'll have self-introductions  
13 of our fellow Commissioners. Steve, why don't we start with  
14 you.

15 COMMISSIONER OLSEN: I'm Steve Olsen, I'm Vice  
16 Chancellor for Finance and Budget at UCLA.

17 COMMISSIONER FOX: My name's Joel Fox, currently  
18 with the Small Business Action Committee.

19 COMMISSIONER O'NEILL: My name is Beverly O'Neill,  
20 and I'm Mayor of this wonderful City of Long Beach.

21 COMMISSIONER BONNER: I'm Dale Bonner, a private  
22 attorney in Los Angeles, and will mention, just because I  
23 think it's somewhat relevant, at one time served as Deputy  
24 Legal Affairs Secretary to Governor Wilson and, in that  
25 capacity, advised the Governor on corrections, and parole,

1 and clemency issues.

2 COMMISSIONER BENTON: Good morning. I'm Jay  
3 Benton, I'm a Retiring Chief Operating Officer, currently  
4 Executive Vice President ABM Industries, San Francisco.

5 COMMISSIONER CARONA: Mike Carona, I'm the Sheriff  
6 of Orange County.

7 COMMISSION CO-CHAIRPERSON HAUCK: Bill Hauck, I'm  
8 the President of the California Business Roundtable.

9 COMMISSION CO-CHAIRPERSON KOZBERG: Joanne  
10 Kozberg, California Strategies, and former Secretary of  
11 State and Consumer Services Agency.

12 COMMISSIONER BATES: I'm Pat Bates, I'm an  
13 Assemblywoman representing South Orange County and North San  
14 Diego.

15 COMMISSIONER CANALES: Good morning. I'm  
16 Jim Canales, President and CEO of the James Irvine  
17 Foundation.

18 COMMISSIONER JELINCIC: I'm J.J. Jelincic,  
19 President of the California State Employees Association, the  
20 token special interest.

21 COMMISSIONER WHITESIDE: Good morning. I'm  
22 Carol Whiteside and I'm President of the Great Valley  
23 Center, in the Central Valley, and former staffer to  
24 Governor Wilson, and former Mayor of Modesto.

25 COMMISSIONER FRATES: I'm Steve Frates, Senior

1 Fellow with the Rose Institution of State and Local  
2 Government.

3 COMMISSIONER DANDO: Good morning. I'm  
4 Pat Dando, City of San Jose Vice Mayor.

5 COMMISSION CO-CHAIRPERSON KOZBERG: And I'm now  
6 going to turn to my Co-Chair, Bill Hauck, to make a very  
7 important introduction.

8 COMMISSION CO-CHAIRPERSON HAUCK: It's my  
9 pleasure, this morning, to introduce one of the great  
10 University Presidents of all time, Bob Maxson, who is the  
11 President of Cal State Long Beach. Bob has been here for, I  
12 don't know, correct me if I'm wrong, Bob, six or seven  
13 years, and has turned Cal State Long Beach into one of the  
14 great universities in California, and probably one of the  
15 great universities in the United States.

16 He's a terrific person and I'm proud to call him a  
17 friend. Bob.

18 DR. MAXSON: Thank you, Trustee Hauck, and I'll  
19 share the microphone with my colleague from UCLA, if you  
20 don't mind. But on behalf of all the faculty, staff, and  
21 students, I'd like to welcome you to this campus.

22 Several of you have been kind enough to remark how  
23 beautiful the place is. I hope you'll get a chance, I know  
24 you won't today, but I hope you get a chance to visit the  
25 campus. You're on the extreme north end. The academic quad

1 and all the academic buildings are on the south end of the  
2 campus. It's a big campus. You're next to the Pyramid of  
3 Sports Arena. But it's a strikingly beautiful campus. And  
4 I'm not going to encourage you to play hooky from any of the  
5 meetings here, but I would hope that you would come back.

6 And I'd like to offer a personal invitation to any  
7 Commissioner, who'd like to visit the campus, I'd like to  
8 give you that invitation.

9 I'd also like to give that invitation to our  
10 friends and people who care enough about State government to  
11 be here, and in the audience today.

12 We have almost 35,000 students here, at the  
13 University, it's one of the largest universities in the  
14 country. I believe, we don't know what the final numbers  
15 are, we're probably the second largest university in the  
16 State. UCLA is the largest university in California, we'll  
17 probably be the second. And we attract an awful lot of  
18 smart kids to this campus.

19 We decided to have an incoming class of 9,000  
20 students. We make that decision each spring, how many we're  
21 going to bring in, because we're right at the enrollment  
22 where we want to be. We had over 51,000 applications for  
23 those 9,000 spots, so it's a campus that has been very  
24 attractive.

25 And one other bit of information I would give you

1 is that studying on campus this fall, right now, at Cal  
2 State Long Beach, there are 375 California valedictorians  
3 enrolled here, on this campus, many of whom are National  
4 Merit Scholars.

5           So the campus is doing well. And Bill Hauck is on  
6 our Board of Trustees, former Chair, and great leader. And  
7 I know not to do this, because I don't know everyone, but  
8 being here with Beverly O'Neill is just a special treat.  
9 She's a graduate of this institution. I believe  
10 Assemblywoman Bates is also a graduate of this institution.

11           But anyone, thank you for holding this meeting  
12 here. This is democracy in action. I applaud the Governor  
13 for creating such a Commission and I applaud the Governor  
14 for wanting to hear what the citizens of the State of  
15 California have to say.

16           But even more, I applaud you guys. I know how  
17 much the pay is for being on a Commission like this, and for  
18 you to take your time, and for you to go all over the State,  
19 and you to listen to people, to seek their opinions. And  
20 I've been told and, by the way, some of our people have been  
21 to some of these meetings, because our campus is interested  
22 in different issues, and they came away with the feeling  
23 that this Commission really did listen to the voice of the  
24 people. And so I just congratulate you and the work that  
25 you've done. I have so much respect for you.

1 I'd like to introduce a few special students to  
2 you. I asked some of our students, this morning, to serve  
3 as your hosts. They'll be with you all day.

4 And if you don't mind, if you'll indulge me, I'm  
5 going to ask them, there are only eight or nine of them, ask  
6 them if they'll introduce themselves to you, if they'll just  
7 come up and maybe use this mike here, and then we'll take  
8 this mike away. The audience will be using the mike down on  
9 the floor, this afternoon, for your public comment segment.

10 So who are we starting with, I can't see over  
11 there? Is this Kelli? Okay, Kelli. Yeah, use that mike  
12 there.

13 MS. TAYLOR: Hi, I'm Kelli Taylor, from Vacaville,  
14 and I'm a communications major.

15 DR. MAXSON: Okay.

16 MS. TINOCO: Hi, I'm Zaira Tinoco, and my home  
17 town is Lakewood, and I'm majoring in political science.

18 DR. MAXSON: And, Zaira, wait a minute. Zaira's  
19 in my class. I teach a class every single semester, 2:00 to  
20 3:15, Monday and Wednesday, and she's one of my students, in  
21 my class.

22 MR. BRONSON: Hi, I'm Mike Bronson, I'm from Long  
23 Beach, I'm a biology major.

24 DR. MAXSON: And be nice to Mike. Mike's headed  
25 for medical school. You're liable to look up one day and he

1 might be working on you.

2 MR. TOMASSI: My name is Reid Tomassi, I'm a  
3 financial real estate and law major, and I'm from Orlando,  
4 Florida.

5 DR. MAXSON: Reid, come out here on this end and I  
6 want to introduce you guys. Keep an eye on this guy, you'll  
7 be seeing him in the next Olympics. He's a sophomore and  
8 one of the star players on the men's water polo team here.  
9 They just defeated Navy, and that's pretty good to beat  
10 Navy, I guess, in water polo. But they just beat Navy and  
11 he only scored like three goals in that game or something.

12 MS. CHIDESTER: Hello, I'm Erika Chidester, from  
13 Covina, California, I'm a sociology major.

14 DR. MAXSON: And Erika is an all American on the  
15 women's volleyball team. And if you do have a few minutes,  
16 the Pyramid's a pretty interesting sports arena, and you'll  
17 see national championship banners hanging all over that  
18 arena, and most of those banners are put up there by women's  
19 volleyball, and she's an all American from that team.

20 MR. SUNDBERG: Hi, I'm Mike Sundberg, I'm from  
21 Lancaster, California, and I'm a microbiology major.

22 DR. MAXSON: Michael is majoring in microbiology.  
23 His brother started fall semester in medical school, at  
24 Stanford, and Michael is following in his footsteps and he's  
25 in a pre-med program here. His older brother, Eric, who is



1 also a good athlete, is actually in his second week of  
2 medical school at Stanford.

3 MS. PEYTON: Hi, my name's Taylor Peyton, I am  
4 from San Pedro, and I'm a psychology major.

5 DR. MAXSON: Michael was the valedictorian of his  
6 high school, out in Lancaster. Taylor is one of the stars  
7 on the women's volleyball team, and she was the  
8 valedictorian of her high school in San Pedro, and she is a  
9 psychology major. And she's finishing, I mean, this girl's  
10 like 20 years old and she's graduating. By the time she  
11 finishes her eligibility here, she'll be through with her  
12 master's program.

13 MR. ROBERTS: Hi, everyone. My name is Brian  
14 Roberts, I'm from Atascadero, California, and I'm a finance  
15 and international business major.

16 DR. MAXSON: Brian was also valedictorian at his  
17 high school, and a finance major, and a good guy.

18 MS. CHHEAN: Hi, my name is Chhunny Chhean. I'm  
19 from Porterville, California, and I'm studying creative  
20 writing and philosophy.

21 DR. MAXSON: How many have we had from your  
22 family? We've had three. She's the third member of her  
23 family, all girls, to be in school here. All of them were  
24 high school valedictorians. We're paying all of their  
25 expenses. I said, her dad owes me something, you know.

1           By the way, on the high school valedictorians, we  
2 pay all of their expenses. We tell them, you finish number  
3 one in your class, we'll pay all your expenses, come to Cal  
4 State Long Beach. We raise the money, we don't use the  
5 taxpayer's dollars, it's privately funded. We average  
6 raising \$1 million every 11 days here, this past year at the  
7 University.

8           MS. ARAGON: Hi, I'm Denise Aragon, from San Jose,  
9 California, and I'm a fashion merchandising and marketing  
10 major.

11           DR. MAXSON: Thank you, Denise. And she is from  
12 San Jose, and in fashion merchandising.

13           And is anyone else back there? Is this the crew?  
14 Why don't you turn around now so these guys can see you.  
15 Turn around so the Commission can see you.

16           (Applause.)

17           DR. MAXSON: Thank you, Mr. Chairman, Madam  
18 Chair, thank you so much. They'll be your host for the day.  
19 If these kids were smart and had looks, they'd go a long  
20 ways, wouldn't they? Yeah. Thanks a lot, guys. Thank you.

21           COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

22           For the members of the Commission, your mikes will  
23 be on all the time. If you wish to turn it off, you can by  
24 the button at the top. But, obviously, we have to pull the  
25 mikes very close to us and share them.

1 I'd first like to thank, on behalf of the  
2 Commission, the Governor's Office in Los Angeles, for their  
3 extraordinary work in bringing both the Long Beach and the  
4 Los Angeles hearings together. We thank you so much.

5 A couple of housekeeping items. I'd like to  
6 remind all of us on the stage, and also in the audience, to  
7 please turn your cell phones off.

8 And tell you, also, that we will have about two  
9 hours of public testimony. So if you haven't already, and  
10 you'd like to speak, please fill out the cards.

11 If your issue is not related directly to the  
12 California Performance Review, we do have two ombudsmen here  
13 to help you on any issue, local or State, that you feel  
14 needs to be addressed.

15 And with that, I'd like to tell you a little bit  
16 about California Performance Review, but you'll be hearing  
17 about it all day long.

18 In February, the Governor signed an executive  
19 order that brought together 275 of the State's most talented  
20 civil servants, to take a look at how State government  
21 functions, its structure, and it's operations.

22 That has resulted in the 2,500-page books that you  
23 see, that many of us have on the stage. That was in  
24 February of this year.

25 In March of this year, the Governor signed an

1 Executive Order that created the Independent Review Panel,  
2 headed by a man of great integrity, and who has given the  
3 State so much of his life, Governor George Deukmejian.  
4 We're very pleased to have you here.

5 And also, Joe Gunn, who served as the Executive  
6 Director of the Independent Review Panel.

7 And just to tell you the mission of the  
8 Independent Review Panel, which is a very daunting one, is  
9 to chart a course of action to turn around the crisis of  
10 confidence in California's correctional system.

11 Their charge was to take a look and make  
12 fundamental reform within the California's Youth and Adult  
13 Correctional Systems.

14 I believe, Governor Deukmejian, we're going to  
15 start out with you. And also, joining you on the Panel,  
16 because of his time constraints, is Michael Drake, who's  
17 Vice President, in the Office of the President, of  
18 University of California. He has commitments to speak in  
19 Northern California, so he will follow the comments. But  
20 then we will have questions.

21 And then in deference to a cause that Governor  
22 Deukmejian cares a great deal about, we're going to break  
23 after the Panel and hear a little bit about the California  
24 Science Center.

25 Governor Deukmejian.

1           GOVERNOR DEUKMEJIAN: Thank you very much, Co-  
2   Chairs Kozberg and Hauck, and Honorable Members of the  
3   Commission.

4           First of all, let me say that I'm privileged to  
5   have been a resident here, in Long Beach, for about 48 years  
6   now, I think it is. And we are privileged, in our  
7   community, to have such extraordinary leaders as Mayor  
8   Beverly O'Neill and, of course, Robert Maxson, the President  
9   of this campus.

10          While I did not attend this campus, I did  
11   represent it for many years as a State Senator, and there's  
12   a few buildings around here that I did have a little to do  
13   with. And the University was kind enough to name Deukmejian  
14   Way among some of those buildings. So, as you walk around  
15   the campus, you're likely to run into that very famous  
16   street that's located here.

17          I am very privileged to be here, to be given this  
18   opportunity. And I know that the Commission has a  
19   tremendous challenge on its hands. It is one, however, that  
20   is extremely important.

21          The Legislature and the media have been reporting  
22   on California's \$6 billion correction system. Their message  
23   has been the same, out-of-control costs, a high rate of  
24   recidivism, abuse of inmates and juvenile wards by  
25   correctional staff, a disciplinary system that fails to

1   punish wrongdoers, and the failure to deliver mandated  
2   health care to inmates and juvenile wards.

3               In reality, the majority of correctional officers  
4   are hardworking individuals, engaged in a very difficult  
5   job. I doubt that any of us would want to do what they have  
6   to do. But they are working in a defective organizational  
7   structure, which has no accountability, no uniformity, and  
8   no transparency.

9               Recognizing that immediate improvements must be  
10   made, Governor Schwarzenegger appointed an independent panel  
11   to look at the entire corrections system and to recommend  
12   changes. I was honored to Chair this Panel.

13              The Governor and his staff assembled almost 40  
14   Panel members, who were loaned to us from the Department of  
15   Corrections, the Office of the Inspector General, and  
16   several other State departments.

17              The staff was led by our very capable Executive  
18   Director, Joe Gunn, who's sitting to my right, who is the  
19   former Executive Director of the Los Angeles Police  
20   Commission.

21              We divided the research into eight teams,  
22   organization, ethics and culture, discipline, use of force,  
23   personnel and training, risk management, population control,  
24   and prison closures.

25              The teams spent four months reviewing

1 approximately 400 reports on this subject, including over 40  
2 Inspector General reports which had never been made public.

3 We interviewed approximately 470 individuals,  
4 including experts in the field, Legislators, and interested  
5 parties.

6 We sponsored all-day seminars, where we brought in  
7 successful administrators in adult and juvenile corrections  
8 from around the country.

9 As a result, we have developed a series of 239  
10 recommendations. These recommendations are designed to make  
11 sure that we reestablish our Corrections Department and  
12 services into becoming the best system in America.

13 Some of these recommendations will cost money.  
14 Many will save taxpayers money. And some will require  
15 legislative action. Most require a change in the ethics and  
16 culture of the organization, but it must happen.

17 The logical first steps were to take a look at the  
18 organizational structure of Corrections. It is totally  
19 ineffective. The Secretary has no line authority or control  
20 over operations. Over 30 wardens are basically operating  
21 the prisons and juvenile systems independently, with no  
22 uniformity.

23 To compound the problem, each warden must be  
24 confirmed by the State Senate, and the confirmation usually  
25 is not approved if there is an objection from the California

1 Correctional Peace Officers Association, the employees'  
2 union. No one is held accountable for his actions.

3 We are proposing a Civilian Corrections Commission  
4 to head the Department of Corrections. The Commissioners  
5 will be appointed by the Governor and be responsible for all  
6 policy within the organization.

7 We like to think of it, that these members of this  
8 Commission would be like a board of directors of a company,  
9 while the Secretary would become the chief executive  
10 officer. The Civilian Commission will hold public meetings,  
11 which will ensure transparency.

12 The Inspector General will be able to submit his  
13 reports to the Commission in a public forum. No longer can  
14 inappropriate action be covered up.

15 We also are recommending that the Secretary be  
16 given real operational authority to guide the organization.  
17 We have developed a structure that flattens the organization  
18 by removing unnecessary levels of management, focusing  
19 management and resources at the lowest responsible level of  
20 operations.

21 Most importantly, we are recommending the end of  
22 the legislative confirmation to operational personnel.  
23 Wardens must owe their allegiance to the organization, not  
24 to the union, not to the Legislature.

25 The new organization structure will also establish



1 central control over budget, internal affairs, risk  
2 management, technology, healthcare, labor relations,  
3 personnel and training, and research and planning. The  
4 entire department will be able to operate according to the  
5 same policies, and principles, and guidelines.

6           Within the framework of the new organization, the  
7 next big task is to change the ethics and culture, including  
8 the code of silence. This has been compared to turning an  
9 aircraft carrier around in a wake. The code of silence is  
10 common to many professions, but it becomes more insidious  
11 when practiced by an organization whose goal is to protect  
12 public safety. It seriously erodes public trust.

13           Employees must be loyal to a set of principles, to  
14 the organization, and not to an individual.

15           It starts with the hiring. Corrections must  
16 ensure that applicants possess the highest standards of  
17 integrity. A thorough and detailed background investigation  
18 must be conducted. And once hired, the employee should be  
19 required to sign a code of conduct, which clearly defines  
20 what is expected of him or her and what will occur if he or  
21 she does not comply.

22           Those who fail to report misconduct must be  
23 immediately disciplined. And those who do, must be praised  
24 and protected from retribution.

25           Ethics training must be instilled in every

1 training course and management must always set a good  
2 example. Supervisors should be selected on their ability to  
3 display the leadership and courage necessary to reinforce  
4 the ethical principles of the department.

5           When an employee becomes convinced that the  
6 department is fair and ethical, the code of silence will  
7 diminish.

8           Training within Corrections is virtually  
9 nonexistent. There are no job descriptions. We invited six  
10 wardens to talk to our Panel and not one of them had  
11 received special training before assuming their duties.

12           Suddenly, they were thrust into problems with  
13 budget, healthcare, deployment, discipline, and labor  
14 relations. They all had to learn while doing the job. Some  
15 are successful, some are not.

16           Our recommendation establishes a centralized  
17 training command and establishes schools for supervisors,  
18 mid-management, and executive employees. No employee would  
19 be able to assume his or her duties until he or she has  
20 successfully completed their training for their new  
21 position.

22           We want to mentor and guide employees throughout  
23 their career, so that the organization can develop a  
24 succession plan, with qualified, experienced professionals.

25           Discipline is not uniform. Each warden handles

1 disciplinary problems with no guidelines or uniformity. We  
2 seek to establish a centralized internal affairs unit, which  
3 will operate uniformly throughout the organization.

4 We are recommending that a matrix be developed  
5 which clearly outlines, for employees, what punishment they  
6 can expect to receive if misconduct occurs.

7 It is also important that an adequate  
8 investigation be conducted any time force is used on an  
9 inmate or juvenile ward. We are recommending specialized,  
10 well-trained teams to conduct these investigations.

11 We must rebuild the public's confidence in the  
12 integrity of the Corrections investigations.

13 Almost all of the successful lawsuits against  
14 Corrections and the State, have involved the way healthcare  
15 is administered to inmates and juvenile wards. It is not  
16 only difficult, but it is also not cost effective for  
17 Correctional Officers to engage in healthcare matters.

18 We are proposing that the department enter into an  
19 agreement for a pilot program with the University of  
20 California to manage the healthcare system for the  
21 department.

22 If successful, the goal will be to establish the  
23 program for the entire healthcare system for Corrections,  
24 and we are confident that the service will be better, and  
25 the costs will be less.

1           And you'll hear from Dr. Malcolm Drake, following  
2   our presentation

3           Instead of waiting for a lawsuit to develop, the  
4   department must have an active risk management unit to  
5   anticipate potential problems and to quickly make necessary  
6   training and policy decisions to alleviate the problem. We  
7   have recommended such a unit.

8           We're also recommending the establishment of an  
9   Office of Fiscal Affairs. Someone must be held accountable  
10   for the severe budget overruns which continually occur in  
11   Corrections. Any business would be bankrupt if it ran its  
12   business the way Corrections operations. It's not just the  
13   State's money that's being wasted, it's the taxpayers money.

14          A strong fiscal team should ensure that  
15   Corrections can do the job, while emphasizing cost-effective  
16   practices.

17          Finally, and most important, we have to change the  
18   way we treat inmates and juvenile wards. A 70 percent  
19   recidivism rate, one of the highest in the nation, is  
20   unacceptable.

21          Public safety is not served if we are just  
22   recycling the same offenders. We have to provide education  
23   and occupational services to inmates and juvenile wards,  
24   while they are in our custody, in order to ensure that they  
25   don't return.

1           We have to change our attitude toward nonviolent  
2 offenders, so that they can receive community-based  
3 assistance as an alternative to recommitment to prison.

4           This is not about coddling criminals. This is  
5 about protecting the public by ensuring that offenders do  
6 not commit additional crimes.

7           We have provided the Administration and the  
8 Legislature with an exceptional blueprint to remodel our  
9 Corrections System. Restoring the Corrections System is a  
10 huge job. It will require an unmatched commitment to  
11 changes in policy and law, and a dramatic change in the  
12 culture of the organization.

13           In the long run, it will prove to be cost  
14 effective. In the long run, it will increase public safety  
15 and establish California's Correctional System as the most  
16 highly regarded system in the nation. It will become the  
17 national leader, in keeping with California's status as the  
18 leadership State.

19           I respectfully urge your Honorable Commission to  
20 recommend that the Governor and Legislature adopt our  
21 recommendations as quickly as possible, and implement the  
22 blueprint that we have submitted.

23           Thank you very much.

24           COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

25           Joe Gunn, did you also have comment?

1 EXECUTIVE DIRECTOR GUNN: No, I'll stand on the  
2 Governor's comments and I'll be available to answer any of  
3 the questions that any of the Commission has.

4 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

5 Michael, did you want to have your comments on the  
6 healthcare.

7 DR. DRAKE: Yes, I'll go ahead and read those and  
8 be available for questions.

9 The University of California is willing to enter  
10 into a dialogue with the Department of Corrections to help  
11 review and evaluate new approaches that could make  
12 California's prison health services more efficient and  
13 effective.

14 UC would enter into these discussions with the  
15 understanding that it has no plan or ability to increase our  
16 direct provision of healthcare to inmates.

17 We will work as task force members, committee  
18 members, and consultants on an ad hoc basis. We would  
19 participate in these discussions with the understanding that  
20 our willingness to examine these issues does presuppose that  
21 UC will become a comprehensive delivery of healthcare to  
22 inmates on or off site at UC health facilities, or that any  
23 of the Panel's recommendations for a UC-run project, or UC's  
24 provision of oversight for prison health services are  
25 feasible, given the University's primary teaching and

1 research mission, and our limited resources.

2 I'll say, by way of context, that I've had a  
3 series of discussions with people from Corrections, and  
4 others, about a range of possibilities of our interaction,  
5 and I would best describe that range as being from soup to  
6 nuts. And if we start at the lower end of the things that  
7 we might be able to participate in, with the concept that we  
8 would be doing this to improve efficiency and efficacy of  
9 patient services, that we believe there are things that we  
10 could do that would be effective, and not particularly  
11 dangerous or damaging.

12 As we look at the larger picture, as is done in  
13 some other states, then a very, very complicated series of  
14 discussions would have to take place and this would evolve  
15 over the future, and it would really take us a few years to  
16 be able to determine what, exactly, was feasible and how  
17 this might be done.

18 But I would say, at this point, we're willing at  
19 least to participate in these discussions and to explore  
20 this to see if there's a way that we might be helpful.

21 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

22 As we are Phase Two of the Governor's Performance  
23 Review, it is our job to vet the issues and hear diverse  
24 opinions. We have the opportunity, now, to ask questions of  
25 Governor Deukmejian, Joe Gunn, and to the extent you have

1 questions, also address them to Michael Drake.

2 Questions? Dale Bonner.

3 COMMISSIONER BONNER: I have two questions for the  
4 Governor. One is kind of a broad question, based on your  
5 years of experience as a Legislator, Attorney General, and  
6 Governor. You made reference to restoring the system, which  
7 kind of suggests that there was a period in time when the  
8 system worked more effectively or was better than it is  
9 today. Could you comment, briefly, on whether there was  
10 some point in time when the system was one of the brighter  
11 points in the State, of the country, and then what changed,  
12 in your view?

13 GOVERNOR DEUKMEJIAN: Yes, the system was highly  
14 recognized at one time, throughout the country, as being in  
15 the forefront of providing correctional services. Our  
16 Juvenile Authority was especially highly recognized for the  
17 way in which juvenile offenders were handled at the time,  
18 and how they were assisted into getting back into the  
19 mainstream.

20 A number of things happened that have changed  
21 that. First of all, we've had a tremendous growth in the  
22 number of inmates coming into the system. When I started  
23 out, as Governor, there were 35,000 inmates in our  
24 Correctional System. When I left office, there were 93,000  
25 inmates. We added about 15 or 16 new corrections



1 facilities.

2 Today, there's 163,000 inmates. The system is  
3 overcrowded. And, as I've indicated in my remarks,  
4 unfortunately, the organization has not kept up and it has  
5 been dysfunctional in the way that it has been handling  
6 these problems.

7 I would also say that among our younger people  
8 we've had a tremendous growth in the number of young men and  
9 women who have been involved with gangs throughout the  
10 State. They are much more hardened types of criminals than  
11 they were back in those days, when I was talking about  
12 earlier.

13 But what we've got to recognize now is that we  
14 have to address the organizational problems within this  
15 system, to make it more accountable and to provide more  
16 transparency.

17 COMMISSIONER BONNER: And just one quick follow up  
18 on your last point, on accountability. Why isn't it enough  
19 to just give the Secretary more operational control of the  
20 department?

21 GOVERNOR DEUKMEJIAN: Well, I'll comment on that,  
22 and maybe Joe will, also.

23 The way it works today, and I'm sorry to say this,  
24 but the Secretary, first of all, under existing law, has no  
25 operational authority over the departments. He sort of has

1 got a position of trying to be a person between the Governor  
2 and the Director of the Department of Corrections, and the  
3 Director of the Youth Authority.

4 They have to work with all of the personnel, every  
5 single day. And over the years, the Correctional Peace  
6 Officers Association has become not only very strong and  
7 large, but extremely influential.

8 When I was Governor, I recognized that they were  
9 not given the recognition that they deserved at that time,  
10 and I'm talking, now, about 1983. And we did our best to  
11 try to upgrade those who were involved in that system, as  
12 correctional officers.

13 But I have to say that my observation now is that  
14 they have become so large, they have raised so much money  
15 politically, they have engaged to such an extent in the  
16 political process, that they have overreached their  
17 responsibilities to the point that it is very, very  
18 difficult, in my opinion, for the Secretary, for the  
19 Directors of the Departments, to be able to operate without  
20 a lot of undue influence from the employees' union.

21 And, I think that it is absolutely essential that  
22 we have a Civilian Commission that can set the policy, set  
23 the direction, and give to the Secretary operational  
24 authority to carry out the responsibilities that we've  
25 outlined in our report.

1 EXECUTIVE DIRECTOR GUNN: Our report deals with  
2 the ideal organization. You may have a current Governor who  
3 empowers the Secretary more than other Governors, but what  
4 about the next Governor, and what about the next Secretary?  
5 We're looking to build this organization on a solid  
6 foundation where it will always be effective.

7 Unfortunately, in my opinion, I don't think that  
8 this organization can reform itself without a Commission. I  
9 think three recent events took place.

10 One, there was a legislative bill to revise a  
11 portion of the discipline system, which was endorsed by the  
12 new Inspector General, which was certainly recommended by  
13 our Panel. No one from Corrections appeared to support this  
14 bill.

15 Secondly, a legislative bill was just passed,  
16 urging rehabilitation as a way to reduce recidivism.  
17 Corrections Department opposed this bill, which, to me means  
18 that the union was influencing the decision because a  
19 reduction in prisoners could possibly mean a reduction in  
20 positions.

21 And lastly, in a renegotiation of the contract,  
22 the rule of 70/30, in which the union gets to assign 70  
23 percent of the positions and the wardens and hiring  
24 authority only get to assign 30 percent, was given to the  
25 supervisors, as well. And this was endorsed by the heads of

1 Corrections.

2 To us, it showed a clear ignorance of good  
3 management techniques on how to run an organization.

4 For all these reasons, and for the reason that  
5 there is no bench, they have developed any leaders in the  
6 future, we feel that it is imperative that you must have a  
7 Civilian Commission to drive reform. A Commission made up  
8 of individuals who have no agenda, who have high integrity,  
9 and who are public spirited, and want to see this succeed.

10 COMMISSIONER BONNER: Thank you.

11 COMMISSION CO-CHAIRPERSON KOZBERG: J.J.

12 COMMISSIONER JELINCIC: As I had identified myself  
13 earlier, I'm the President of the California State Employees  
14 Association, so clearly I have a vested interest, and I want  
15 to point that out, up front.

16 We represent between 20 and 25 percent of all the  
17 employees in Corrections. Clearly, we do not have the  
18 influence over the Department that CCPOA does. But I notice  
19 that when you did your report, you did talk to Xerox, but  
20 didn't bother talking to CSEA, and I find that somewhat  
21 troublesome.

22 I'm glad to see your emphasis on reducing  
23 recidivism as a means of reducing the population.

24 One of the things that I did not see commented on  
25 in your report, and maybe it was there and I just missed it,

1 was the Department eliminated the Arts in Corrections  
2 program, which was highly successful, and I was wondering if  
3 you would comment on that?

4 EXECUTIVE DIRECTOR GUNN: Well, we did mention in  
5 our report that over the years, through budget  
6 consideration, there's been a reduction in teachers, in  
7 counselors, in vocational programs, and that all of this has  
8 led to recidivism.

9 We also pointed out that this is not going to  
10 happen overnight, and until we reduce the prison population  
11 of 163,000 inmates, we're not going to have meaningful  
12 results. We've got too many prisoners in ugly beds, where  
13 they're living in gymnasiums and game rooms.

14 But it's going to take a legislative and executive  
15 effort, and it's going to cost money, and it's going to take  
16 seven to ten years, in our opinion, before we can ever get  
17 the pieces back in place. But if we don't start, it will  
18 never come back in place.

19 COMMISSIONER JELINCIC: There has been a movement  
20 to reduce vocational education in Corrections, in favor of  
21 academic education. Clearly, I think both are important.  
22 But when we have locked people up, who are going to be  
23 returning to society, it seems to me that the -- they're  
24 going to learn something, they're either going to learn a  
25 skill that allows them to survive on the outside, or they're

1 going to learn to be better criminals.

2 I was wondering if either of you would like to  
3 comment on the move away from vocational education?

4 GOVERNOR DEUKMEJIAN: Yes, I'd like to comment on  
5 that, especially. I think there's a mind set among a  
6 majority of the personnel in Corrections, that their main  
7 and virtually sole job is custody and control, that they're  
8 not really keyed in to the idea of trying to help to  
9 rehabilitate these individuals, so that they'll be  
10 productive members of society when they leave.

11 So there hasn't been -- and I know there's always  
12 budget problems involved, but there hasn't been the focus  
13 and attention on providing those kinds of vocational  
14 services.

15 When I was Governor, I proposed a proposition,  
16 that was passed by the voters in this State, to develop a  
17 program in our prisons where private companies could locate  
18 some of their operations within the prison system, where the  
19 inmates would work for those companies. They would receive  
20 the minimum wage, they would pay taxes, like every other  
21 employee in the State. They would have monies deducted for  
22 providing restitution, if the judge had ordered restitution.  
23 But they would also have money that, when they left, they  
24 would have some money available to help them to get  
25 restarted.

1           That program has received virtually no support  
2   from the Corrections officials and Department since it was  
3   passed by the voters.

4           I think that's an example of their attitude  
5   towards this whole area of trying to ensure that when  
6   inmates are released, that they will not recommit crimes and  
7   come back.

8           Right now, as I understand it, when an inmate  
9   leaves prison, they are eligible for \$200. I'm told they  
10  get \$100 when they actually leave the prison, and they pick  
11  up the other \$100 when they report to the parole officer.  
12  Now, what can you do with \$200? You can't pay rent, you  
13  can't do anything. You might not even have enough money for  
14  transportation, to get to where you want to go and live.

15          So I mean, the whole system needs some real,  
16  serious major attention.

17          EXECUTIVE DIRECTOR GUNN: I may add that in order  
18  for this to work, we have to get away from the determining  
19  sentencing. And we are recommending, in our report, what we  
20  call a presumptive sentence, where the overwhelming majority  
21  of inmates, when they hit prison, will be met by counselors,  
22  teachers, and correctional officers, and a program laid out  
23  for them. Such as, if you kick your narcotic habit, if you  
24  get a high school diploma, if you behave, we'll let you out  
25  earlier, than later, if you do all those things.

1           And we looked at other states where inmates, with  
2 high school educations, recidivism drops. Inmates, with  
3 college education, recidivism drops more.

4           But even in doing that, there has to be a smooth  
5 transition to parole, and we think that mindset has to  
6 change, also, so that parole officers have to go from a  
7 mindset of recommitting people on technical violations, to a  
8 mindset of what can I do to assist this nonviolent person  
9 back into society, what programs can I get him into? What  
10 employment can I get him? What housing can I get him into?

11           We think it's all related. We think one part will  
12 fail if the other part doesn't work.

13           COMMISSIONER JELINCIC: Just a couple more.

14           COMMISSION CO-CHAIRPERSON KOZBERG: Okay.

15           COMMISSIONER JELINCIC: The code of silence, the  
16 whistle blower, I really appreciate your comments on that.  
17 I can remember talking to one of the people that I  
18 represent, and I made the comment that, you know, the  
19 wardens thought that the only people they reported to was  
20 God, and was corrected that "the wardens think God reports  
21 to them."

22           But we have issues where people have blown the  
23 whistle on the warden, or the warden's direct reports, and  
24 have become the result -- have just been the victims of  
25 massive retaliation. How do you see us helping to overcome



1 that? And then I have one last question on the medical and  
2 I'll be done.

3 EXECUTIVE DIRECTOR GUNN: You must vigorously  
4 prosecute any person who retaliates against someone who  
5 reports misconduct, and then you must publicly praise the  
6 person who reported it, and you must protect him or her from  
7 any retribution.

8 What's going to happen is that sooner or later,  
9 when the employee finds out that the organization is fair,  
10 he will put more trust in the organization than he does in  
11 his peers, or his representative group.

12 But you must go out of your way, as management, to  
13 vigorously prosecute those who would harass somebody who  
14 turned in somebody for misconduct.

15 COMMISSIONER JELINCIC: And we also represent  
16 Units 17 and 20, which are the nurses and the medical  
17 technicians.

18 You have proposed, at least exploring, a program  
19 with UC. And I actually took and looked at the article you  
20 had referenced, and in Texas, and there seems to be a lot of  
21 Texas throughout this whole thing, there was this crisis  
22 where medical costs were going up at 6 percent a year, but  
23 the population was going up 12 percent a year. You know, so  
24 it looked like somebody was doing something right.

25 And the other thing that I should point out is you

1 said, you acknowledged that there are vacancies in the  
2 nurse's field, about 25 percent of those positions are  
3 vacant. By DPA's own calculation, nurses, working for the  
4 State, are 26 percent below other public sector nurses, and  
5 even further behind private sector nurses. It's led to a 25  
6 percent vacancy. It's led to the use of registry, which has  
7 been very, very cost ineffective.

8 And so I was wondering how you go from the  
9 vacancies, to the use of registries being not cost effective  
10 and, therefore, rather than address the salary issue and  
11 hire nurses, we ought to just contract the whole thing out?

12 EXECUTIVE DIRECTOR GUNN: Well, as far as nurses  
13 go, they are like everyone else in the State employ, our  
14 Panel was shocked at the rate of pay that is paid to people  
15 who work for the State.

16 You have the Secretary, who is in charge of 50,000  
17 employees, making \$135,000 a year. You have the people in  
18 charge of healthcare providing making less than that. I  
19 don't know what kind of talent, in today's market, that  
20 you're going to attract with those kind of wages.

21 So we think that there has to be a review, and  
22 we've recommended that, of all the wages throughout the  
23 Department, of all the classifications.

24 But to try to solve the nurse's problem, and we  
25 know it's a problem, we've even recommended, I think you've

1 read that, having a 20/20 program, where we can contract  
2 with student nurses, in college, so that they will work 20  
3 hours a week for Corrections and go to school for 20 hours a  
4 week.

5 This has seemed to be successful in other  
6 occupations. We're also recommending the same thing for  
7 teachers.

8 COMMISSIONER JELINCIC: And again, in Texas, where  
9 they use the university system to provide services, much of  
10 the savings, according to the article, came from the  
11 movement from a fee-for-service to an HMO method of  
12 delivering services. And is that what you anticipate  
13 possibly developing with UC, is essentially an HMO for our  
14 prisoners?

15 EXECUTIVE DIRECTOR GUNN: I'll let Dr. Drake  
16 answer that.

17 DR. DRAKE: Yeah, I would say, again, the range of  
18 possibilities is extreme, and there are multiple ways to  
19 make a system like this more efficient, that would be things  
20 in addition to a direct HMO model.

21 I'll just give a personal anecdote. I still have  
22 a small, private practice at the University of California,  
23 at San Francisco, and from time to time I see inmates. And  
24 when I see an inmate from San Quentin, for instance, which  
25 is across the bridge, there are three guards who bring that

1 inmate to see me. They wait until the time is right, but  
2 there's a guard at each door, and a guard in the room. It  
3 takes pretty much all day for that to happen. The visit  
4 might take 15 minutes, but there are many hours of  
5 transport, extreme costs in doing this.

6           And a lot of things that we do at those visits  
7 could be done through telemedicine, or other kinds of  
8 things, or with people better trained at the facility, to  
9 take care of the inmate, before loading him on the bus,  
10 driving him across the bridge, having three guards take him  
11 back and forth.

12           And so just with looking at the provision of  
13 healthcare, I believe that there are potentials for areas in  
14 which efficiency could be gained without necessarily going  
15 to a model that's like Texas.

16           What I said in my statement though, at the  
17 beginning, is that the range of possibilities is nearly  
18 infinite, and if we begin a discussion, we would do it with  
19 the knowledge that this range is infinite, and then have to  
20 look at each one.

21           One more thing to say about savings of money. The  
22 kinds of things that were done in Texas were things to  
23 improve the quality of care and the quality of health for  
24 the inmates. And one of the things that would have to be  
25 understood is that improving quality and saving money, at

1 times are not compatible.

2           The savings to society might accrue after this  
3 person was released. If you prevent chronic diseases, or  
4 other kinds of things, the hope would be that a person, who  
5 had been rehabilitated, would be out and productive in  
6 society. The benefits for quality of care, or better  
7 quality of care earlier in life, might not accrue to society  
8 until later, and so that might not be seen as a direct or  
9 immediate savings in the system, but would be something that  
10 would be returned as time went on.

11           COMMISSION CO-CHAIRPERSON HAUCK: Thank you.

12           COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

13           Sheriff Carona.

14           COMMISSIONER CARONA: Thank you, Madam Chair.

15 First of all, Governor, I just want to compliment you and  
16 the members of your review committee on the work that you've  
17 done in a relatively short period of time, that I think was  
18 not only exhaustive, well-documented, but I was impressed  
19 with the fact that you were praiseful, as well, that you  
20 recognize that there are some 50,000 employees, in the  
21 Department of Corrections, who work in very difficult  
22 situations.

23           Having toured a number of the State prisons, just  
24 recently San Quentin, you well know that the job that the  
25 correctional officers are doing is very, very difficult, and

1 very, very deadly. And I think you acknowledged that and  
2 were praiseful of the employees.

3 But you also identified a series of problems that  
4 exist in the system and reformations that need to take  
5 place.

6 The first question that I have and, Governor, this  
7 is really more for you, because of your career, politically,  
8 that spans from your days in the Assembly to the decisions  
9 you made as Governor. There were changes during that period  
10 of time, where in the seventies we went from a system that  
11 was designed to be rehabilitative, in California, to one  
12 that was specifically designed to be punishment. And that  
13 was a decision that the Legislature made back in the sixties  
14 and seventies.

15 And when I read through your report, not only  
16 what's contained in the documents that we have, but the  
17 supplemental documents that you put together, you're really  
18 advocating for, as you did as Governor, a change that would  
19 make the prison system back to a rehabilitation system. Can  
20 you comment on that, sir?

21 GOVERNOR DEUKMEJIAN: Yes. You know how the  
22 pendulum, unfortunately, always seems to swing from one side  
23 to the other, back in the seventies and early eighties, only  
24 15 percent of the convicted felons were being sent to State  
25 prison. And, as everyone knows, a felony, in the law,

1 requires a time served in State prison.

2 But the other 85 percent were being put on some  
3 form of probation by judges. Sometimes the probation  
4 included a year or less in a county jail, other times it was  
5 just probation, back out onto the street for these felons.

6 The crime rate was becoming excessively burdensome  
7 to the public, and so the Legislature, and Governors, and  
8 others, responded to that and began to toughen up a lot of  
9 these laws.

10 And so, as a result, we have had a greater number  
11 of convicted felons being removed from the communities, sent  
12 to the State prisons, and along with many pieces of  
13 legislation, have resulted in a reduction in the overall  
14 major crime rate in the State of California, albeit it is  
15 still too high. But that has been the result of the actions  
16 that were taken.

17 So we swung this way to be stronger in terms of  
18 our laws, and our punishment, and we put into effect  
19 mandatory sentencing laws, and the like. And so, as a  
20 result, it seems as though the concentration focused on  
21 that, rather than on trying to ensure that once these  
22 inmates served their time that they would be able to return  
23 to the community and become productive members.

24 And so in answer to your question, we need now, at  
25 this point in time, we need now to recognize that 70 percent

1    recidivism rate is totally unacceptable, and those who are  
2    recommitting crimes are injuring innocent members of the  
3    community.

4                So we have to do a great deal more, and that's  
5    part of the blueprint that we have submitted, in hopes that  
6    the Administration and the Department will recognize that  
7    that is as much a part of their role, as it is maintaining  
8    appropriate custody and control.

9                COMMISSIONER CARONA:   And Governor, the second  
10   question that I'd put forward, and both to you, and to  
11   Mr. Gunn, is you have, in your report, proposed a Civilian  
12   Corrections Commission, and I am very much appreciative of  
13   the command and control structure that you've outlined,  
14   giving greater authority to the Secretary and taking away  
15   the politics of the appointment of wardens, so that you  
16   really do have command and control, and the Secretary can  
17   run his or her agency based upon the guidance that is given  
18   by the Governor.

19               The concern that I have with this Civilian  
20   Commission is my sense is that those appointments would be  
21   made by the Governor, and would be required to be confirmed  
22   by the Senate, and you now set up another structure where  
23   the same problems that you have right now, where the Senate  
24   can be swayed by political factions, and you've identified  
25   CCPOA as one of those political factions, you'll have a



1 Civilian Commission that can be manipulated by politics,  
2 once again, and it is that same Civilian Commission that  
3 will be the Board of Directors and give guidance to the  
4 Secretary.

5           And so as an individual, and I'll tell you my  
6 prejudice up front, I've never been a big fan of commissions  
7 that have direct control over operations. I'm wondering how  
8 you reconcile that and whether or not that Commission would  
9 become problematic versus a resolution to a problem that  
10 you'd identified?

11           GOVERNOR DEUKMEJIAN: Well, I would say that under  
12 the existing circumstances, that this is a time when we have  
13 to put into place a Commission of individuals who are highly  
14 regarded, the Governor would continue to have the authority  
15 in terms of appointing these individuals and, therefore,  
16 they would be appointed to carry out, if you will, his  
17 agenda.

18           The Secretary would be backed up by this  
19 Commission, in his dealings with the personnel within the  
20 Department. The Secretary would be then in a position to  
21 say, look, this is what the Commission has decided is going  
22 to be the policy, and we are going to carry it out.

23           Whereas, the way it is today, he doesn't have, in  
24 effect, that backing or that buffer, if you will.

25           I've had my experience with making appointments to

1 Cabinet positions, and I know that sometimes an appointment  
2 can run into controversy but, overall, most Legislators are  
3 willing to defer to a Governor, recognizing that a  
4 Governor's been elected by all of the people, and that the  
5 Governor ought to be entitled to have appointments to his  
6 Commission, and heads of his departments, to carry out his  
7 agenda, what he promised, what he pledged to the public when  
8 he ran for office.

9           And I think that it would strengthen the  
10 possibility of enacting the reforms, that we have outlined  
11 in this report, that there would be a much greater  
12 possibility of having an effective implementation of this  
13 blueprint than it would to have the current, existing  
14 system, where the Secretary and the Directors of the  
15 Department are, in my view, susceptible to a tremendous  
16 amount of pressure and influence from the employees' union.

17           COMMISSIONER CARONA: Thank you, sir.

18           COMMISSION CO-CHAIRPERSON KOZBERG: I have Pat  
19 Dando, Joel Fox, and Patricia Bates. Anyone else?

20           Okay, Pat.

21           COMMISSIONER DANDO: Governor, let me echo the  
22 thanks and appreciation that you've already heard from  
23 members of our Panel, we do appreciate the thoughtful  
24 recommendations that you've brought to us.

25           And one of my questions was just answered on the

1 Civilian Commission, so I won't go into that.

2           However, let me just mention that one of the  
3 perceptions that is in the community, with lay people, is  
4 that drugs and gangs are rampant in our prisons. And  
5 although I laud your proposal for more education,  
6 occupational training, I think that's absolutely where we  
7 need to go, how do we get beyond that first hurdle, if that  
8 perception is correct, how do you handle -- or is that not a  
9 correct perception, that gangs and drugs are rampant, and if  
10 you don't come in, involved in gangs or drugs, you very  
11 often leave involved in those?

12           EXECUTIVE DIRECTOR GUNN: You know, we wish we  
13 would have had a lot more time than four months to go more  
14 in depth in this, but a preliminary look at this told us  
15 that most of the drugs that you hear about with the  
16 prisoners are being brought in by visitors, not by the  
17 employees. It's the visitors.

18           And so you've got a very tough problem, in that if  
19 you tighten up the visitation and the restrictions, you're  
20 going to get a lot of complaints because people are  
21 traveling long distances, with their family, to see their  
22 loved ones, and they're going to wait for hours, and hours,  
23 and hours to get in. So it's a very touchy problem.

24           We think, certainly, that more effort could be  
25 made on the screening of the visitors.

1           Now, as far as gangs, yes. Most of the violent  
2 criminals that are in the prisons, today, are gang members.  
3 And we think some of them can be reached, but we're  
4 primarily looking at reaching the nonviolent, the property  
5 crime inmates, who are revolving back into society and then  
6 coming back into the prisons. We think they're the ones  
7 that would be very receptive to educational and vocational  
8 training, to alcohol and narcotic rehabilitation programs,  
9 and to smooth transition back into society.

10           COMMISSIONER DANDO: So if you focus, rather than  
11 on the gangs and the drug-infested prisoners, then what  
12 would that recidivism rate drop, from 70 percent?

13           EXECUTIVE DIRECTOR GUNN: You know, I wish I could  
14 answer that, I don't know. I just know, as the Governor  
15 stated, that it's too high now, it's one of the highest in  
16 the country, and any effort to lower that is going to be a  
17 success.

18           COMMISSIONER DANDO: But you believe that the  
19 drugs and the gangs is not maybe as dire a problem as it is  
20 thought to be, and if you focus on the nonviolent criminals,  
21 that that will bring the 70 percent down?

22           EXECUTIVE DIRECTOR GUNN: I'm not going to say  
23 it's not a problem, I'm just going to say that when we  
24 battle recidivism, the chances of success with hard core  
25 gang members are a lot less than the chances of success with

1 other inmates, who are coming in for other crimes.

2 COMMISSIONER DANDO: Thank you.

3 COMMISSION CO-CHAIRPERSON KOZBERG: Joel.

4 COMMISSIONER FOX: Thank you. Governor, I'd like  
5 to tap into your political experience and skills for a  
6 moment, in how to get this Civilian Corrections Commission  
7 done. You said, in your comments, that you're asking for an  
8 end of the legislative confirmation, and taking away  
9 allegiance from the Legislature.

10 In other words, you're going to ask the  
11 Legislature to vote to reduce their own power. How do you  
12 get that done? Do you go directly to the people? Do you  
13 have some kind of a major public relations campaign to make  
14 the voters aware of the situation in the prisons? And  
15 politically, it's very hard for any legislator, any  
16 governing body to vote to reduce their own influence and  
17 power. I'd like your political insight into that, please?

18 GOVERNOR DEUKMEJIAN: Well, every Governor  
19 realizes that he isn't always going to have his proposals  
20 accepted with a great, friendly embrace. But he also knows  
21 that he's got a tremendous amount of power. And there are a  
22 lot of legislators and legislative leaders who also have pet  
23 proposals of their own.

24 So that if a Governor takes this issue, and gives  
25 it priority, he can sit down with the legislative leaders,

1 and he can discuss this, negotiate with them, and he can say  
2 to them, look, this is a major issue for our State. We are  
3 being sued, repeatedly, and paying out millions of dollars  
4 in judgments. We have all of this negative publicity  
5 directed towards the operations. We have this high  
6 recidivism rate where innocent people in the communities are  
7 becoming the victims of crimes, of these inmates, after  
8 they've been released. This is a major problem in the State  
9 and I, as a Governor, am going to see that we correct it.

10 Now, if you, the legislative leaders, if you've  
11 got some pet programs that I can help you with, I will be  
12 willing to try to be as responsive and as helpful to you, on  
13 your programs, but you're going to have to help me in  
14 getting this problem addressed. And it's not just my  
15 problem, it is the problem for the State, it's the problem  
16 that your constituents are experiencing in your districts.

17 The Governor also has a lot to say about the  
18 budget and about projects that are advocated by legislators  
19 and legislative leaders.

20 And so there are a lot of things that a Governor  
21 can do if a Governor wants to make a strong commitment to  
22 trying to implement this program.

23 EXECUTIVE DIRECTOR GUNN: I may add that we're  
24 only recommending to take away the confirmation process of  
25 line personnel. We are recommending that the Commission be

1 going through the Senate.

2 I have talked to many legislators, and I've  
3 frankly told them they can't have it both ways. They can't  
4 be the body that confirms wardens, and then turn around and  
5 say that all the wardens are incompetent. You can't have  
6 both. I mean, if you confirmed them, then you must have  
7 thought they were competent.

8 So I would think that the Legislature should  
9 concentrate their efforts on the Commission, and there is  
10 where they can really do a good job and say, no, I will not  
11 accept this candidate because I don't believe that he's the  
12 right person to make reforms.

13 DR. DRAKE: I just wanted to say to Commissioner  
14 Kozberg, my time limit has arrived and I --

15 COMMISSION CO-CHAIRPERSON KOZBERG: Have a good  
16 flight.

17 DR. DRAKE: Thank you very much, and happy to talk  
18 with you.

19 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

20 Patricia Bates?

21 COMMISSIONER BATES: Thank you. Actually, mine is  
22 kind of a follow up to Mr. Fox, and along the same line that  
23 we do need public education to make a change from a system  
24 that is punishment, you know, do the crime, do the time, to  
25 one that approaches a reform in rehabilitation.

1           As a former social worker, I'm certainly in that  
2   camp. But as a representative of a large constituency, I  
3   have to be also responsible to what they see in terms of  
4   public safety in the community.

5           So we need a public education model. And I didn't  
6   see, in the initial presentation, a discussion of that and  
7   how that might be carried forward. Because, if we're to be  
8   successful with this plan, over a decade, and having served  
9   in our Legislature for the last six years, things move  
10  slowly without some public momentum. Is there a plan for  
11  that? And who, in addition to the Governor, might be able  
12  to carry that forward?

13           GOVERNOR DEUKMEJIAN: Well, what we have proposed  
14  is that as soon as an inmate comes into the system, that  
15  they be given an assessment as to what are their needs. If  
16  their needs are in the area of education, if their needs are  
17  in the area of vocational training skills, some of their  
18  needs are psychiatric, there's all kinds of problems that  
19  many of these individuals have had, but to assess that at  
20  the onset, when they first come in, and then to spell out a  
21  program where they will receive the kind of assistance, the  
22  kind of training, the kind of education that they need.

23           For example, let's say they don't have a high  
24  school degree, a diploma, and so by the time they get out,  
25  they would be headed toward being eligible to get it, or a



1 GED, or whatever it might be.

2 So what's happening now, as I understand it, is  
3 very little of that is done at the front end. A little bit  
4 may be done just before they're getting ready to leave, but  
5 it's too late.

6 And so the whole educational component is very,  
7 very important for those that need that, and it should be  
8 engaged right from the outset.

9 And as Joe Gunn had said a little earlier, as they  
10 proceed through this process and accomplish these tasks,  
11 then they could be eligible for an earlier release, so that  
12 there's an incentive for them to take those classes, whether  
13 it's vocational, whether it's educational, whatever it may  
14 be. But now, there's no real incentive. Now, it's just do  
15 the time, and when the time's up I leave, and there's no  
16 real incentive.

17 EXECUTIVE DIRECTOR GUNN: I agree with you, ma'am.  
18 Besides the Judicial and Legislative changes to affect this  
19 kind of a change, there is going to have to be a massive  
20 education program to convince the public that this is in  
21 their best interest, that public safety will better be  
22 served. And we would certainly anticipate that the  
23 Legislature and the Governor would lead that educational  
24 process to sell the program.

25 COMMISSION CO-CHAIRPERSON KOZBERG: J.J., you have

1 the last question, and we're running behind.

2 COMMISSIONER JELINCIC: Actually, it was an  
3 observation I wanted to make, because the Panel and,  
4 frankly, my fellow Commissioners keep talking about  
5 correctional officers having a tough job and harsh  
6 conditions. And I want to point out, so do cooks, and  
7 janitors, and nurses, and LVNs, and librarians, and pharmacy  
8 techs, all of whom we represent, and doctors, and dentists,  
9 and psych techs, who we don't represent, also have tough  
10 jobs in very tough conditions. And I just want to remind  
11 people, it's not all CCPOA.

12 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you, we  
13 appreciate that.

14 And that concludes this Panel, and thank you very  
15 much, Joe Gunn.

16 And if we could keep Governor Deukmejian to speak  
17 on the California Science Center.

18 GOVERNOR DEUKMEJIAN: Thank you.

19 COMMISSION CO-CHAIRPERSON KOZBERG: We'll then be  
20 going directly into our first panel, and I believe Jeff  
21 Rudolph is joining Governor Deukmejian.

22 GOVERNOR DEUKMEJIAN: Jeff Rudolph is the  
23 President of the California Science Center. I am currently  
24 the Chairman of the California Science Center Board of  
25 Trustees Foundation.

1           There is an item in the California Performance  
2 Review related to the California Science Center, and that's  
3 why we wanted to take just a few minutes to discuss that.

4           The Science Center is the largest and the oldest  
5 science museum in the Western United States, and it holds a  
6 very unique and prestigious place in the educational and  
7 scientific life of our State.

8           For 50 years, the State has had a long-standing  
9 partnership with the California Science Center Foundation.  
10 Funds for exhibits have been raised from private sources,  
11 while the State of California has been responsible for  
12 building improvements, and for maintenance and operation of  
13 the Science Center.

14           The primary reason is the Science Center has been  
15 successful in responding to funding challenges. The reason  
16 it's been successful is due to the public/private  
17 partnership between the State and the Foundation.

18           While I was Governor, I was familiar with the  
19 Science Center, and I approved the funding to develop a  
20 long-range, Master Plan, that calls for its transformation  
21 from the old California Museum of Science and Technology, to  
22 the California Science Center. And this is, today, a state  
23 of the art science education facility.

24           I supported development of the Master Plan because  
25 I recognized that California's future depends on a science

1   literate population. Our ability to compete in the global  
2   economy depends on a sophisticated, science-educated work  
3   force. In the next 20 years, one of every five jobs will  
4   come from science and technology.

5           In that same period, the majority of workers will  
6   be from groups, traditionally under-represented, in science  
7   and technology professions.

8           In order to supply California, and the nation,  
9   with the necessary work force, science education must reach  
10  out to these under-served communities.

11          Science and math skills of American children,  
12  particularly in California, have fallen far behind those of  
13  other nations.

14          According to the United States Department of  
15  Education, 2003 Report, titled "The Nation's Report Card,"  
16  California students ranked near the very bottom of a State  
17  comparison of science performance scores.

18          The State's adoption of new State standards-based  
19  curriculum has intensified, now, the need for quality  
20  teacher professional development in science.

21          After I left the Governor's Office, I continued to  
22  follow the Science Center's progress on implementation of  
23  the Master Plan. I agreed to serve as a volunteer on the  
24  California Science Center Foundation Board of Trustees, and  
25  I'm currently serving as the Chairman of the Board.

1           The original charge, to the Foundation, was to  
2   raise funds for exhibit development. Today, our Foundation  
3   not only supports exhibit development and science education  
4   programming, but we have raised \$130 million for State  
5   capital outlay projects.

6           In addition, the Foundation is raising funds, our  
7   goal is \$15 million, to begin an endowment as part of the  
8   capital campaign.

9           Now, we have also steadily increased funding to  
10   assist the State with operational support. In 1982, the  
11   State provided four and a half million dollars in operating  
12   support, and the Foundation provided \$775,000 or 15 percent.

13           Today, the operating annual budget for the Science  
14   Center is split, where the State pays 48 percent of the  
15   budget and the Foundation comes up with 52 percent, and this  
16   is for the ongoing, day-to-day operation.

17           This partnership between the State and the  
18   Foundation is a true success story on how to leverage  
19   resources to provide a common good for our State.

20           Elimination of General Fund support, as is  
21   recommended in Section GG 33, would break this partnership  
22   and result, perhaps, in the closure of the Science Center,  
23   and would destroy one of the most successful public/private  
24   partnerships in the State.

25           It's also been suggested that we begin to charge

1 admission to the Science Center. Today, admission is  
2 totally free. Our analysis of the feasibility of charging  
3 an admission fee to replace General Fund support, shows that  
4 the net revenue from admission fees would generate less than  
5 \$1 million, while lowering attendance by 50 percent or more.

6 Reduced attendance will impact parking revenue,  
7 other earned income, fundraising, and grants, and will add  
8 additional costs associated with ticket sales and  
9 collection.

10 Current attendance is approximately 1.3 million  
11 individuals per year, of which over 300,000 are school  
12 groups. Charging an admission fee cannot eliminate the need  
13 for State support. It will significantly limit  
14 accessibility to science learning and will generate less  
15 than \$1 million of net revenue.

16 The California Science Center Foundation has been  
17 aggressive in its efforts to raise funds to support both the  
18 operation and the improvements of the Science Center.

19 Over the last 20 years, the Foundation's role in  
20 support of the Science Center has expanded significantly,  
21 and we expect this growth to continue. However, it is  
22 simply not possible to immediately increase the amount of  
23 funds raised to offset the loss of State support.  
24 Development of relationships and support from new donors  
25 does take years of effort.

1           I want to urge you to reject the recommendation GG  
2 33, as it will result in virtual closure of the California  
3 Science Center. This would negatively impact the  
4 development of a science literate work force, and would send  
5 entirely the wrong signal to the private sector about the  
6 viability of public/private partnerships with the State, at  
7 precisely the time when we should be encouraging further  
8 development of such partnerships.

9           Finally, I would like to briefly comment on the  
10 proposed reorganization in chapter eight of the California  
11 Performance Review report.

12           The recommendation is that the Science Center be  
13 transferred to a Division of Parks, History, and Culture.  
14 It states that the goal of the Division should be to provide  
15 quality service and recreational opportunities, and it  
16 further refers to the functions as recreational, historical,  
17 and cultural functions.

18           As I've discussed in my remarks, the California  
19 Science Center is an educational institution, with a mission  
20 of inspiring science education. So if the Science Center  
21 were to be transferred, we would urge that you consider its  
22 transfer to a more appropriate department that shares its  
23 educational mission, rather than one that shares, that has  
24 as a mission, recreation or historical functions.

25           And Jeff, you may want to say something.

1           COMMISSION CO-CHAIRPERSON KOZBERG: I just want to  
2 thank you. We are running behind. And Governor, you have  
3 given so much to this State, we thank you for all you've  
4 done for public service, and for volunteerism, we've just  
5 seen. So thank you so much.

6           GOVERNOR DEUKMEJIAN: Thank you. Thank you all  
7 very much.

8           COMMISSION CO-CHAIRPERSON KOZBERG: Thank you,  
9 Jeff.

10           Could the next Panel please come up to the stage?  
11 And while you are coming up, just again a few housekeeping  
12 things. You will see a timekeeper. I know you've been told  
13 that your remarks are to be delivered in five minutes, and I  
14 believe at two minutes you will get a yellow sign. I think  
15 we can skip the one minute sign.

16           And also, we will be asking you to focus directly  
17 on the CPR report, what you agree with, what you do not  
18 agree with, and what you might do differently.

19           If you could also, as we start, make self-  
20 introductions? And we'll start with Senator Romero, and  
21 thank you for the effort of coming here.

22           PANEL MEMBER ROMERO: Good morning. Thank you  
23 very much for enabling and allowing me to participate today.  
24 I also have to say, at the outset, that I'm a graduate of  
25 Cal State Long Beach. And Cal State Long Beach didn't look



1 like this when I was a student, but it's wonderful to see  
2 how much it's developed, and I applaud the leadership of the  
3 University and the City in providing the support that has  
4 been granted to the advancements made by this University.

5 I want to thank the Commissioners very much for  
6 allowing me to testify. And basically, we are here today  
7 because of one true thing, and that is that the California  
8 Correctional System is in a state of disarray, it is truly  
9 dysfunctional, and it has been for some time.

10 We have tinkered with, we've advanced some very  
11 good reforms, I've participated in it. But the fact of the  
12 matter is that we remain, even after all of this tinkering,  
13 and all of these reforms, we are dysfunctional today, make  
14 no doubt about it.

15 This past year has been like no other in the  
16 history of California Corrections. In a sense, we've seen  
17 somewhat of a perfect storm, you might call it, that has  
18 forced us, it has mandated us to shine the spotlight on  
19 Corrections in a way that we have not done so in the past.

20 And it's been so for a number of reasons. A  
21 Federal Judge and a Special Master have been breathing down  
22 our necks for some time, threatening to pull us into  
23 receivership and that threat remains.

24 The Attorney General is in court, as we speak,  
25 suing over provisions within the Memorandum of Understanding

1 with CCPOA and the State of California, which essentially  
2 render meaningless internal investigations of officer  
3 misconduct.

4 A series of reports, including those by our own  
5 experts, have told the State of California that our Youth  
6 Authority is in shambles, experiencing some of the highest  
7 levels of violence that we see in the nation, occurring  
8 within our youth facilities which, right now, carry a  
9 supposed mandate of rehabilitation.

10 Our youth facilities, unlike adult corrections,  
11 are not supposed to be about punishment, they're supposed to  
12 be about rehabilitation.

13 I would ask every one of you to go to our youth  
14 facilities, today, to take a look at what we've been seeing.  
15 We are far from rehabilitation of our youth and, quite  
16 frankly, all we see happening is a graduation of youth, from  
17 youth facilities, into adult corrections. We cannot have  
18 that.

19 We do have some very, I think, positive, new  
20 leadership of the Youth Authority. In fact, Director Walter  
21 Allen and myself, we are going to be going to Missouri, on  
22 Monday and Tuesday, to take a look at other models of youth  
23 corrections in the nation. And certainly, this is an area  
24 where I think we have to absolutely have a complete  
25 structural overhaul.

1           The Little Hoover Commission has issued reports,  
2   lawsuits have been filed. Our own Senate committees have  
3   also put forward a series of recommendations that I hope you  
4   would also take a look at, as well.

5           And I want to commend the Schwarzenegger  
6   Administration, I want to commend Joe Gunn,  
7   Governor Deukmejian, for their courage in putting forward  
8   and letting California know we cannot just tinker with the  
9   system.

10          In fact, we need not only a structural overhaul of  
11   Corrections, we need a thorough soul cleansing, including  
12   taking a look at the culture and ethics within this  
13   organization.

14          Two hundred thirty-nine recommendations have been  
15   presented to us, I'm only going to talk about a few today.

16          With respect to reorganization, we can collapse  
17   YACA, I'm open to that. In fact, the Panel says that  
18   reorganization is the linchpin of their recommendations. We  
19   cannot gloss over this. If we do so, we are once again, I  
20   believe, dooming ourselves to return in ten years from now,  
21   with another panel, another Governor, another Senator,  
22   another lawsuit, basically back in the same place.

23          If we study the history of corrections reform in  
24   California, we can go back to the Governorships of Ronald  
25   Reagan and Jerry Brown, we can take a look at past Little

1 Hoover Commission reports. We've been here already.

2 So the question before us today is what's  
3 different about this proposed reorganization? Will it still  
4 be the Titanic at the end of the day and will we just have  
5 been shifting our chairs on the deck?

6 I would submit to you that we can flatten the  
7 bureaucracy, I'm open to that. We do have the equivalent of  
8 32 different little fiefdoms, with our wardens, our prisons.  
9 However, much of that I do believe has been the lack of  
10 internal communication that currently exists in Corrections.

11 The new Director, Jeannie Woodford, I believe  
12 sensibly, has moved forward in simply calling statewide  
13 meetings of our wardens, which hadn't occurred before.

14 Regional versus mission, that has got to be looked  
15 at. The report advocates region. I think that's too  
16 simplistic. Geography is never the sole answer, we still  
17 have to look at mission.

18 With respect to merging support operations of CDC  
19 and CYA, I'm open to looking at that, I think there's some  
20 strong merit there.

21 The only thing, though, is we cannot have our  
22 youth facilities become little, mini prisons of the adult  
23 versions, which already they too much resemble.

24 Internal affairs, I support many of the  
25 recommendations made there. An investigation is an

1 investigation, and the rules of conduct of investigation  
2 should be the same, whether it's officer misconduct for  
3 youth, or officer misconduct for adults. I applaud the  
4 Commission's stance on this point.

5           The boards, commissions, many recommendations have  
6 been made to collapse these. Clearly, I think, if I look at  
7 it, the Board of Corrections has no teeth right now in  
8 California. It is powerless to enforce its own  
9 observations. I'm certainly open to looking at the  
10 collapsing of some of these.

11           But I also think, too, we can't just collapse.  
12 We've also got to -- if we empower or rename a commission,  
13 then give it the power to have some teeth. Without that,  
14 we're just fooling ourselves.

15           And this brings us to the overarching theme of  
16 oversight, and I'll stop after this. But the question is,  
17 and I think it is the linchpin, of what Governor Deukmejian  
18 and this Panel has recommended, ultimately, we know  
19 Corrections has been in shambles in California. This is not  
20 the time to walk away.

21           There's been a lot of speculation about the role  
22 of the Senate in warden confirmation, and I'm one of those  
23 Senators. I will tell you, though, what I've seen with  
24 warden confirmations right now, it's been quite frankly via  
25 the confirmation process of wardens where we actually have

1 learned about many of these dysfunctions in our State  
2 facilities.

3 I would submit to you that without the Senate  
4 confirmation process, quite frankly this would have blown  
5 over and nobody would have ever known about many of the  
6 scandals that have plagued our prisons for too long. So I  
7 think there's a role for oversight.

8 We've got to decide where that oversight will be.  
9 But I would indicate that oversight, it's basically the  
10 people watching and, quite frankly, I do see myself as a  
11 representative of the people.

12 Warden nominees come to us from the Governor.  
13 They come to us, having been vetted by the Secretary. The  
14 Senate never sends forward a warden for confirmation. The  
15 truth is we have a weak bench. We've got a poor pipeline.  
16 And until we turn that around, we will have problems.

17 We can reshape the organizational model, but it's  
18 never what's written on a piece of paper, it's also about  
19 people. Organizations don't succeed on their own, it's  
20 people who, ultimately, we also have to look at, and that's  
21 where the soul cleansing, paying particular attention to  
22 ethics, and integrity, and the culture is going to be all  
23 important.

24 We have reorganized, we've collapsed, we've  
25 flattened, we've widened the bureaucracy in the past, and

1 we're back here, today. So to not be back here in ten years  
2 from now, we've got to examine both, organization and people  
3 and, of course, culture goes with it.

4 COMMISSION CO-CHAIRPERSON KOZBERG: Senator, we're  
5 going to have to conclude.

6 PANEL MEMBER ROMERO: All right, let me just  
7 conclude on this point, that the Civilian Corrections  
8 Commission, I applaud the Governor, I applaud the Panel for  
9 having the courage to put this forward. I really do believe  
10 that if we -- and I'm open to this, there can be different  
11 ways about it. The only concern I have is that the  
12 appointees do not become merely additional wealthy donors to  
13 a Governor's reelection coffers.

14 So with that, I do believe that this issue merits  
15 additional scrutiny, and with particular attention to the  
16 role of rehabilitation within the Correction System, not  
17 just incarceration.

18 Thank you, and I'll look forward to working with  
19 each of the Commissioners as we go forward.

20 COMMISSION CO-CHAIRPERSON KOZBERG: Barry, can we  
21 start with you and do self-introductions, and then we'll  
22 just go down the row.

23 PANEL MEMBER KRISBERG: I'm Barry Krisberg, the  
24 President of the National Council on Crime Delinquency.

25 COMMISSION CO-CHAIRPERSON KOZBERG: You're going

1 to have to pull that mike very close, if possible.

2 PANEL MEMBER KRISBERG: Okay. For the past 18  
3 months I've been intensely involved in a comprehensive  
4 review of the California Youth Authority, in response to a  
5 lawsuit filed by the Prison Law Office.

6 I talked to hundreds of staff, hundreds of  
7 inmates, looked at thousands of documents, and did very  
8 intense site visits of the six largest Youth Authority  
9 facilities.

10 I reported on a number of extraordinarily alarming  
11 conditions, including unprecedented levels of institutional  
12 violence, frequent use of chemical restraints, excessive use  
13 of prolonged solitary confinement. Provision of educational  
14 services to wards, in cages not suitable for zoo animals.  
15 Decrepit housing units. An inattention to basic security  
16 and custody on the part of Youth Authority staff.

17 Other members of the team, that we worked on,  
18 documented extremely substandard mental health and medical  
19 care in the Youth Authority.

20 These reports are available through the California  
21 Youth Authority, if you'd like to read the details.

22 Since I filed my report, four young people in the  
23 California Youth Authority have died, three due to suicide.  
24 One is currently being investigated.

25 We've witnessed, on national TV, the savage



1   beating of two California wards, by staff, while other staff  
2   watched.

3               We've also learned of a Youth Authority attack  
4   dog, that attacked one of the wards, and I know this is  
5   under investigation, as well.

6               So the problems continue. And to say that this is  
7   a crisis, I think is an understatement.

8               How do we get out of this mess? First of all, I  
9   applaud a lot of the recommendations. I think, in a very  
10  short period of time, I'm pleased that the Panel spent as  
11  much time as they did on the California Youth Authority, one  
12  of the big problems being that the prison system is so much  
13  larger and, therefore, usually swallows up all of the money  
14  and attention.

15              It seems to be that you get out of this box, first  
16  of all, by committing to evidence-based practices. And if  
17  we did that, we would want to have smaller facilities. We  
18  would want to enrich, probably by double, the staffing,  
19  particularly of treatment staff in the Youth Authority. And  
20  we'd, unquestionably, knock down every building that  
21  currently operates under the Youth Authority purview.  
22  Most of the buildings need to be knocked down, and the  
23  Commission has recommended that.

24              But even the ones that they've chosen not to  
25  recommend, that the Panel's recommended, are essentially

1 prisons. And maybe they're a little newer prisons, but  
2 they're basically prisons, and they're antithetical to a  
3 treatment and rehabilitative mission.

4 So there's not a single Youth Authority facility  
5 that I think any juvenile justice professional would say we  
6 ought to have.

7 Well, it's obviously going to be a big price tag  
8 to replace these, and it seems to me that in order to come  
9 up with a plan, we've got to dramatically reduce the  
10 population of the Youth Authority, and I'll get back to that  
11 in a minute.

12 Youth Authority wards come from throughout  
13 California, and yet we heard repeatedly from judges,  
14 probation staff, et cetera, that there's a tremendous  
15 disconnect that's developed between the Youth Authority and  
16 the local juvenile justice professionals.

17 Judges referred to feeling that a commitment to  
18 the Youth Authority was like sending a youth to the Bermuda  
19 Triangle.

20 Uniformly, we heard from probation, and police,  
21 and judges that the Youth Authority parole staff were  
22 missing in action, didn't know who they were, weren't  
23 participating, weren't involved much, et cetera.

24 The Youth Authority, which once was intimately  
25 related to the local juvenile justice system, in a real

1 partnership, disappeared and went off and isolated itself.  
2 That isolation has to stop. Because all of these youth are  
3 coming home, relatively soon, back to these communities, and  
4 it's going to be incumbent upon a State corrections system  
5 to have close linkages to law enforcement, education, and  
6 social service people at the local level, if we want to do  
7 anything to reduce these recidivism rates.

8 Finally, on this issue of oversight, I want to  
9 applaud the efforts of the Youth Law Center. But we, as the  
10 citizens of the State, cannot rely solely on litigation to  
11 solve these problems.

12 We have a big problem. State Juvenile Justice  
13 Commissions, Inspector General, there is no entity right now  
14 that has the clout and staffing to solve this problem.

15 Let me move to your recommendations, which I  
16 quickly want to address.

17 COMMISSION CO-CHAIRPERSON KOZBERG: We're going to  
18 have to conclude, so if you can quickly wrap up.

19 PANEL MEMBER KRISBERG: I will wrap it up as  
20 quickly as I can.

21 To reduce living unit size, increase staffing, you  
22 have to dramatically further reduce the population of the  
23 Youth Authority. The recommendations relating to parole  
24 decision making are, I think, an important way to go in  
25 that.

1           Finally, I want to oppose the proposal of putting  
2   the Youth Authority under any Department of Corrections  
3   structure. This is going in the absolute wrong direction.  
4   Almost every state around the country, I know, is going  
5   towards independent youth corrections departments, with  
6   direct access to the Governor. To bury the Youth Authority  
7   under some big bureaucracy, I think raises risk, doesn't  
8   reduce it.

9           Thanks.

10           COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.  
11   Can I remind the Panel that we're particularly interested in  
12   what you agree with in the report, what you don't agree  
13   with, and what you would do differently.

14           And could you do self-introduction, Curtis.

15           PANEL MEMBER HILL: Good morning. My name is  
16   Curtis Hill, I'm the Sheriff of San Benito County, and  
17   represent the 58 sheriffs of California here, today, and I  
18   want to thank the Commission for having State sheriffs at  
19   this table.

20           We, as a State Sheriffs Association, support the  
21   recommendations of the Independent Review Panel, and also  
22   the CPR, with the exception of the elimination of the Board  
23   of Corrections. We feel eliminating the Board of  
24   Corrections and folding it into the proposed California  
25   Standards Authority, which would be the new CSA, under the

1 new DCS, would diminish and pollute the current mission of  
2 the BOC, which is to focus on local correctional  
3 effectiveness.

4           The Board of Corrections was created at the urging  
5 of the sheriffs, over 20 years ago, in order to provide some  
6 minimum standards for not only our facilities, but also for  
7 our day-to-day operational aspects of our local adult and  
8 juvenile facilities. It has been a tremendous asset.

9           I know, that for the Legislature, the BOC has been  
10 one of the shining stars of responding back to the  
11 Legislature relative to local adult and juvenile issues  
12 statewide.

13           We feel that the emphasis on local adult and  
14 juvenile custodial issues and programs will become diluted  
15 under the new CSA. Additionally, we feel that expanded  
16 membership to the BOC, to include additional members of the  
17 CDC, CYA, and CCPOA will add to the lack of ability to  
18 maintain a focus on local issues.

19           Quite simply stated, the current mission of the  
20 BOC, which has been a tremendous asset, again, to the  
21 sheriffs of California, will become lost in the process.

22           I understand, in the report, that the role of the  
23 BOC, under the new CSA, will be expanded in order to work  
24 towards minimum standards for the CDC side of the shop.

25           We would like to be able to be at the table as the

1 State Sheriffs, in this expanded role, to make sure that the  
2 local adult and juvenile programs, that we currently have in  
3 place, are not lost in that process. We feel it's very  
4 critical.

5 We feel that we, as sheriffs, are held accountable  
6 and responsible for our facilities to our local  
7 jurisdictions. We have the mechanism, as sheriffs, that the  
8 buck stops at our desk, relative to our correctional issues,  
9 and the same with the local Juvenile Authorities, as well.

10 The State Sheriffs has been part of the Juvenile  
11 Reform Task Force, and I applaud and share the view of Barry  
12 Krisberg here, to my right, in what he has told you today.

13 We have been working hard, we're going to be  
14 coming back to the Legislature, here shortly, with some  
15 recommendations for legislation to move that forward on the  
16 reforms that the CPR, and then what the Juvenile Task Force  
17 is also going to be recommending.

18 So again, in short, we're very concerned about the  
19 elimination of the BOC, we feel it's going to get lost in  
20 the process. We want to make sure that it does not get  
21 lost.

22 And again, thank you very much.

23 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

24 Don Spector.

25 PANEL MEMBER SPECTOR: Thank you very much. My

1 name is Donald Spector, I'm the Director of the Prison Law  
2 Office, which is a nonprofit, public interest law firm that  
3 provides free legal services to California State prisoners,  
4 concerning their conditions of confinement.

5 For almost 30 years this office has been  
6 scrutinizing the operations of the California Department of  
7 Corrections, the California Board of Prison Terms, the  
8 Parole Board, and the California Youth Authority.

9 And during this time we have brought most, if not  
10 all, of the successful lawsuits that have been mentioned in  
11 the IRP report and here, this morning.

12 There are several reasons why our lawsuits have  
13 been so successful, and many of them relate to the IRP  
14 recommendations. First of all, as our lawsuits indicate,  
15 and as has been stated here by Senator Romero and Governor  
16 Deukmejian, the CDC is currently in a state of crisis and  
17 the courts are intervening more and more because the states  
18 have shown a complete inability to run their own shop.

19 The IRP recommendations are, for the most part,  
20 very thoughtful and well-intended, and I support the vast  
21 majority of them. I only wish to make it clear that many of  
22 their proposals require resources. They require funding,  
23 some of which has been taken out from under the Department  
24 of Corrections and Youth Authority in recent years, and we  
25 hope you make that a big point of your report.

1           There are some areas of the report, however, where  
2 I disagree. First, I disagree strongly with the IRP's  
3 recommendation that a part-time Civilian Commission be  
4 formed to run the new agency. I think that, plain and  
5 simply, this is just a bad idea. I would call it a terrible  
6 idea.

7           While the idea of a civilian watch dog group holds  
8 some promise, a part-time Civilian Commission will lack the  
9 expertise, experience, and knowledge necessary to run such a  
10 complex and difficult agency.

11           More importantly, right now it is incredibly hard  
12 to bring about change. Adding a new layer of bureaucracy,  
13 of unaccountable officials, will make that task even more  
14 difficult.

15           Second, the confirmation of the wardens, I agree  
16 with Senator Romero, that should remain the province of the  
17 State Senate. You have to understand, this is not like any  
18 other agency. Prisons are basically a closed society, they  
19 are not transparent at all. The confirmation of the wardens  
20 provides one of the few glimpses of sunshine and sunlight  
21 into that world, and it provides an opportunity for public  
22 scrutiny of prison policies and practices, that functions as  
23 necessary checks and balances on what otherwise is a very  
24 wide-range in discretions of prison officials.

25           Third, I agree strongly, I can't agree strongly



1 enough with Barry Krisberg's idea that the Youth Authority  
2 should not be within the Department of Corrections. It  
3 should be the other way around.

4           The most pressing problem that has been identified  
5 by the Governor Deukmejian and Mr. Gunn is the overcrowding  
6 and the size of the population. Prisoners are crammed into  
7 every nook and cranny in the Department of Corrections,  
8 gyms, day rooms, and areas that were once devoted to  
9 rehabilitation.

10           This prison population is too big to manage. It's  
11 basically too big to manage properly. The overcrowding  
12 stretches the limits of the services that the CDC is able to  
13 provide beyond Constitutional requirements, and it reduces  
14 the flexibility of CDC's managers to limits approaching  
15 zero. They have simply no room to maneuver in this system.

16           And no matter how you rearrange these boxes on  
17 this organizational chart, that was provided by the Panel,  
18 no matter what organization you provide there, if you fail  
19 to reduce the crowding, if you fail to reduce the  
20 population, it will not matter one single bit.

21           This system costs a fortune to run and we were not  
22 getting the benefit of all this money. Despite this high  
23 rate of incarceration, the crime rate has dropped  
24 incredibly, and if you do cross-county comparisons, you find  
25 out that the level of incarceration is not related to the

1 crime.

2 So the Panel has recommended the presumptive  
3 sentencing scheme, which I agree with the district  
4 attorneys, that this is just another label for an existing  
5 system which exists now.

6 If this Commission is going to recommend drastic  
7 and much needed reform to the Governor, it must recommend  
8 that he take a comprehensive look at the sentencing  
9 practices. We are simply sending too many people to prison  
10 for too long.

11 Thank you very much.

12 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

13 PANEL MEMBER PAULSON: Good morning, David  
14 Paulson, District Attorney of Solano County, President of  
15 the California District Attorneys Association.

16 First of all, let me thank you for inviting us  
17 here, I hope you enjoy my comments.

18 If the Correction System's success is measured  
19 only by recidivism rates, the current system is definitely  
20 broken. According to statistics and what the law  
21 enforcement agencies experience on a daily basis, prisoners  
22 are likely to return to their lives of crime once they're  
23 released from prison, after having served their terms.

24 I certainly applaud your efforts, in this great  
25 undertaking, to reexamine ways that services are provided to

1 prisoners and parolees, in order to make California a safer  
2 place to live. Obviously, this is a tremendous undertaking,  
3 considering the vast number of prisoners and parolees,  
4 including both adult and youth offenders, and the fact that  
5 prison inmate's needs and risks vary so greatly.

6           The IRP report has examined different ways to  
7 manage prison and parole populations. CDAA fully supports  
8 the offering of different educational opportunities for  
9 prison inmates, to better themselves and to help themselves  
10 prepare for reentry into the community after they complete  
11 their prison terms.

12           These opportunities can help offenders become  
13 honest, productive members of society, and help them gain a  
14 sense of pride and belonging to their community. If this is  
15 accomplished, in addition to the benefits to the prisoners  
16 and parolees, and if recidivism rates are thereby reduced,  
17 all of society will benefit.

18           Now, however, is not the time to modify  
19 California's sentencing laws. Such changes are both  
20 unnecessary and unjustified. One of the proposals being  
21 recommended is to develop a presumptive sentencing model.  
22 Well, the current sentencing structure in California,  
23 determinate sentencing, is indeed a presumptive sentencing  
24 model, with the middle term of each triad being the  
25 presumptive sentence.

1           This presumptive sentencing model allows for  
2   uniformity, as is set forth in Penal Code Section 1178,  
3   which states, "the prison terms should be served by terms  
4   proportionate to the seriousness of the offense, with the  
5   provision for uniformity and sentencing of offenders  
6   committing the same offense under similar circumstances."  
7   This ensures fairness and certainty in our judicial system.

8           The current sentencing model is working and  
9   working very well. It has been successful in holding  
10  individuals, who commit serious and heinous crimes,  
11  responsible for their actions. It acts as a deterrent and  
12  it keeps crime rates down by keeping dangerous offenders off  
13  the streets.

14          Before determinate sentencing, the judicial system  
15  acted merely as a revolving door for criminals.

16          Let me give you a couple examples. Kenneth  
17  Parnell and Larry Singleton. Parnell was first convicted in  
18  1951 for sexually abusing an eight-year-old boy that he'd  
19  kidnapped. After he served his prison sentence, he  
20  kidnapped seven-year-old Steven Stayner, in 1972, held him  
21  for seven years, then kidnapped five-year-old Timmy White in  
22  1980, before he was eventually caught.

23          After serving only five years of an eight-year  
24  prison sentence, the maximum sentence that was available at  
25  that time, Parnell was released. Well, he was brought back

1 into custody recently and convicted, in 2004, of attempting  
2 to purchase a child.

3 Singleton was convicted for brutally raping and  
4 dismembering a victim, leaving her for dead. After being  
5 sentenced to 14 years and four months in prison, and serving  
6 only seven, he traveled to Florida, where he found and  
7 murdered his next victim.

8 If California's current determinate sentencing  
9 laws, and the enhancements that we've attained over the last  
10 few years, had been in place at that time, neither Parnell,  
11 nor Singleton, would have had the chance to reoffend. Both  
12 would have received multiple life sentences.

13 The system failed all of us by putting them back  
14 into the community. The result was additional victims,  
15 additional suffering, additional loss of life.

16 CDAA also opposes the recommendation to address  
17 prison population problems by creating additional  
18 supplemental reduction credits.

19 We believe in California's Truth in Sentencing  
20 Laws, which hold that offenders should be fully accountable  
21 for their actions and requires those defendants to serve  
22 their full prison sentences.

23 The current law allows for a reduction in time for  
24 performance in work, training and education programs, and  
25 encourages prisoners to better themselves. But this law

1 does not require that the prisoners actually complete these  
2 programs in order to receive these credits, and that's  
3 wrong.

4 In order to motivate prisoners to actually  
5 participate in programs, Senator Poochigian authored a bill,  
6 SB 1660, which was supported by the Little Hoover  
7 Commission. That bill would have required inmates not  
8 simply to enroll, but to complete those programs or they  
9 would have to forfeit their participation in work time  
10 credits. Well, that bill died in the Assembly  
11 Appropriations Committee.

12 At the very least there should be a requirement  
13 that prisoners participate, if not complete. There's no  
14 free get-out-of-jail cards.

15 Rather than unnecessary and imprudent changes to  
16 California's sentencing laws, California DA's Association  
17 urge that you endorse those recommendations that assess a  
18 prisoner's needs and provide for the appropriate programs.  
19 In doing so, it's important to remember that prisoners'  
20 progress should be measured by specific criteria and that  
21 recidivism rates need to be tracked. This will help us  
22 determine which programs work and which do not.

23 As President of the DA's Association and as  
24 District Attorney of Solano County, I've seen the  
25 devastating effect that crime has had on families in our

1 communities. California's prosecutors, therefore, would  
2 consider it a great privilege to help you and help the State  
3 of California institute and implement appropriate changes  
4 that will reduce crime and make this a safer place to live.

5 Thank you.

6 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

7 PANEL MEMBER POWERS: Good afternoon. I'm  
8 Jerry Powers, Chief Probation Officer for Stanislaus County,  
9 representing the Chief Probation Officers of California.

10 I will give you the recommendation numbers that  
11 I'm going to be speaking to, just to kind of save some time  
12 here. And these are ones that we have concerns with.

13 The first one is 01-08, and Sheriff Hill actually  
14 touched on it, and that deals with the Board of Corrections.  
15 We have concerns that the potential loss of local input and  
16 expertise, as well as the services provided by the Board,  
17 could result in significant additional local duties,  
18 responsibilities, and costs.

19 Lastly, having the entity responsible for setting  
20 the standards and inspecting for compliance as part of the  
21 same agency it is inspecting, does not give the appearance  
22 of true impartial inspection and oversight. Thus, the  
23 recommendation to put them under that agency doesn't appear  
24 to be well thought out.

25 Second, 07-01, a comment on the population size

1 and ways to reduce the population size in our local prisons,  
2 or in our State prisons.

3 I think that the recommendation is actually  
4 correct, there are three factors. But I would state that  
5 there's a huge opportunity here that's being missed, and  
6 that is the front door to the prison. If we stop them from  
7 getting to prison, we can impact the population in the  
8 prison much more effectively, for much less dollars, than if  
9 we wait until they get into prison.

10 The way you can do that, or the way that we've  
11 seen success on the juvenile side, and it's been  
12 demonstrated with decreased population at the Youth  
13 Authority, is by pouring resources at the local level,  
14 whether the resources are preventative in nature in drug  
15 substance abuse programs, domestic violence programs,  
16 increased probation supervision, drug corps programs, mental  
17 health corp. All of those programs, that work at a local  
18 level, divert the offenders from State custody.

19 As studies have shown, the vast majority of State  
20 inmates start out as probationers.

21 A local face to this, I have 7,500 probationers in  
22 Stanislaus County, on felony probation. I can only  
23 supervise 2,800 of them. The lack of oversight,  
24 accountability, and holding them responsible, in conjunction  
25 with appropriate programs, will keep them from the State



1 system. It's dollars well spent.

2 We've done it on the juvenile side. We've used  
3 TANIF, we've used 4-E, we've used crime prevention dollars  
4 to focus on prevention on juveniles. We've seen decreases  
5 of between 20 and 40 percent statewide in juvenile arrest  
6 rates. That's statewide.

7 Recommendation 08-22 deals with CYA parole  
8 realignment to local counties. It discusses having county  
9 probation departments supervise levels 5, 6, and 7.

10 The Chief Probation Officers of California has  
11 been engaged in dialogue relating to realignment of CYA  
12 parole services to county probation departments through the  
13 Juvenile Justice Reform Group, Chaired by Undersecretary  
14 Kevin Carruth. This group has recently been reconvened,  
15 with meetings set for later this month, in Sacramento.

16 The Chief Probation Officers are prepared to  
17 continue the dialogue in this area. It is our belief,  
18 however, that bifurcating the YA parole population, as  
19 recommended, is not the most effective or efficient way to  
20 serve the population and would result in less than desirable  
21 outcomes.

22 It would be our position that realignment of these  
23 services should include the entire population, as well as  
24 sufficient funding to provide the services at the local  
25 level.

1           Each local probation department has the expertise  
2   and the skill, as well as access to local resources, to  
3   provide effective services to the YA parole population,  
4   regardless of level.

5           Recommendation 08-17 deals with the sliding scale  
6   fees that are currently charged to local counties for YA  
7   commitments.

8           The adjustment of the sliding scale needs to be  
9   reasonable to allow all counties to access the program,  
10   whether you're a large county or small county. Programs  
11   that are provided must be cost effective and efficient, and  
12   reflect what are the best treatment options, while  
13   maintaining a reasonable cost rate.

14           In many small and medium sized counties, local  
15   options for those type of offenders are very limited. Logic  
16   would tell us that the cost to incarcerate an auto thief  
17   certainly should not exceed those costs associated with a  
18   serious violent felon.

19           Lastly, 08-18 deals with the courts and local  
20   control over YA commitments and revocations.

21           I think this is something that we would support,  
22   but you're going to need dialogue with the Judicial Council  
23   and the courts to implement this.

24           And I would stop at that.

25           COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

1           PANEL MEMBER MEYER: Good afternoon. My name is  
2 David Meyer, I'm with the Institute of Psychiatry Law and  
3 Behavioral Sciences at the University of Southern California  
4 Keck School of Medicine, where my principle responsibilities  
5 are to teach law and policy to doctors, and other  
6 clinicians, and students.

7           I also do a good deal of consulting with both  
8 criminal justice and healthcare organizations, and most of  
9 that is about the growing and very unusual interface between  
10 mental health care, and healthcare, and the criminal justice  
11 system. It is an issue which is broad within the criminal  
12 justice system and becoming significant in the healthcare  
13 system. It impacts both in very unique ways.

14           Also, I am an appointed member of the California  
15 Council on Mentally Ill Offenders, which advises the  
16 Legislature and the Governor on the kinds of issues that  
17 I've just described.

18           I'm bringing up the caboose here on this Panel, so  
19 I'm going to be extremely specific, with the one caveat that  
20 I think that the recommendations with respect to healthcare  
21 and mental health care in the IRP are well chosen, and in  
22 many cases courageous.

23           I have some question about the recommendations in  
24 some specific areas, which I'll mention.

25           First, the whole notion of handing off healthcare,

1 and most especially mental health care, in the case of the  
2 State Department of Mental Health, is one that I think has  
3 danger in the sense that I don't think these kinds of  
4 services in a correctional setting can be carved out in a  
5 successful fashion.

6 Healthcare and mental health care are always  
7 blended between clinicians and correctional officers,  
8 because of the nature of the institutions, and the reason  
9 the individuals are in those institutions.

10 And I hope we do not have the sense that somehow  
11 we can take out of that mix, and carve out of that mix,  
12 healthcare, and hand it off to public, or private, or State  
13 agencies and expect ourselves to be successful. That cannot  
14 be done.

15 Second, we ought to be cautious about our faith in  
16 managed care principles, especially in institutional  
17 settings, and I include within that the experience that has  
18 been had in the State of Texas which has seen, certainly,  
19 some successes.

20 In general, however, I don't have to remind any of  
21 you that the whole notion of managed care, perhaps the words  
22 managed care have become uncomfortable, disfavored ones in  
23 the world. I don't think most of the principles of managed  
24 care will even work in institutions.

25 Finally, although there are unique and very

1 significant challenges for providing appropriate healthcare  
2 and especially mental health care in the prison system, I  
3 think there are significant potentials for success in this  
4 area. I say that not only from a teaching and consulting  
5 perspective, but from the fact that I was, myself, involved  
6 in the implementation of, I think, a very successful  
7 blending of mental health care and correctional services in  
8 the Los Angeles County Jail. I spent some almost 31 years  
9 as an employee of Los Angeles County, in government, the  
10 last ten years of which I was with the nation's largest  
11 community mental health agency, the Los Angeles County  
12 Department of Mental Health.

13 We faced a similar kind of problem in the mid-  
14 1990s, and we have solved it. Not without pain, not without  
15 challenges, not without a great deal of stress and  
16 dislocation. But we now, in Los Angeles County, have an  
17 excellent mental health care system within our Los Angeles  
18 County Jail.

19 And while the scale, of course, is much smaller,  
20 we started with some 25,000 county inmates, and some 3,000  
21 of whom had mental health problems in 1995, we have  
22 addressed them and we're being very successful with them.

23 And I think probably, over a longer term, and with  
24 perhaps more effort, the same thing can be done on the State  
25 level.

1 I think that concludes my time, thank you.

2 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

3 Bill, questions for the Panel, now?

4 COMMISSION CO-CHAIRPERSON HAUCK: Senator Romero,  
5 given your experience, this year, with all of the issues  
6 surrounding the State prison system, assume that you are now  
7 the Secretary of Corrections, and you are being asked by the  
8 Governor to recommend to him the three, or four, or five  
9 immediate actions that you think need to be taken to  
10 alleviate, at least, the crisis that you've witnessed in the  
11 course of the hearings and experiences that you've had this  
12 year, you're responsible for the State prison system and the  
13 Governor is asking you what, specifically, you would do to  
14 correct these difficulties?

15 PANEL MEMBER ROMERO: If only I could be. Well,  
16 remember, the IRP came up with 239, so you're limiting me to  
17 five. Let me go ahead and take a look at those, quickly.

18 Number one, central to this is rehabilitation.  
19 The mission of Corrections has got to change. And right  
20 now, to only have punishment, it means we're being tough on  
21 crime, but we are not being smart on crime, and we've got to  
22 be both. We know it's a revolving door, we've got to change  
23 the mission of rehabilitation. If we do nothing else, that  
24 will have moved us in the right direction.

25 I would say, secondly, we do have to grapple with

1 the issue of funding. And I say this as somebody who's been  
2 a critic of overfunded deficiencies in Corrections, et  
3 cetera. However, to try to run Corrections today, even at  
4 \$6 billion, I look back at it and I don't like what I've  
5 seen, but we've got to address funding and we've got to  
6 reprioritize where the funds go.

7 I think again, too, part of that is shifting it  
8 towards more of a rehabilitation mission.

9 Thirdly, there must be -- and we can reorganize  
10 it. I'm open to what the IRP has recommended. But  
11 certainly, even if we kept Corrections as it is today, there  
12 must be communication. You can have the best laid plans on  
13 paper, but if people don't implement them, they're all for  
14 naught. Communication is key.

15 I was absolutely dumbfounded when I learned that  
16 up until this director, our 32 wardens weren't even talking  
17 to each other. So whatever the model may be, and that's  
18 where I do believe I'm interested, and we can flatten the  
19 bureaucracy to give the Secretary more power, but I quite  
20 frankly believe that that power exists right now. Maybe we  
21 can tinker, we can reshape it, but that power is there right  
22 now.

23 Fourthly, there must be civilian oversight. That  
24 simply means that the people of the State of California keep  
25 a watchful eye on Corrections, a system that we know is

1 dysfunctional.

2           The IRP recommended the Civilian Oversight  
3 Commission. Nothing should be declared dead on arrival.

4           I, actually, am enthused with the proposal. I'm  
5 from Los Angeles, we have a Civilian Oversight Commission  
6 over L.A.P.D, and I would guarantee you that if there were a  
7 move to take it away today, probably republicans, democrats  
8 across the board would strenuously object to it.

9           We have civilian oversight of the University of  
10 California, they're called Regents. We've got Trustees for  
11 the CSU.

12           So why should we suddenly say, oh my God, we can't  
13 have people in the State of California observing what  
14 happens in Corrections?

15           So at some point, if not this model or some  
16 modification, civilian oversight simply means there's a  
17 window into Corrections in California, a system that has  
18 cost us, very successfully, by Don Spector, because he, and  
19 the Prison Law Office saw that something is wrong in  
20 Corrections.

21           I think those would be a few of the proposals.  
22 There are many more that we could look at. But civilian  
23 oversight is key, in whatever form.

24           I think that we would not be here today, with all  
25 due respect, had it not been for the watchful eyes of some



1 Senators, some people suing us, the media, in making sure  
2 that the prison system is open.

3 And a Secretary for Corrections, I would indicate  
4 to the Governor, the more that we allow the public to see  
5 what is happening inside of Corrections, the less our  
6 headaches will be in the future.

7 (Applause.)

8 COMMISSION CO-CHAIRPERSON HAUCK: Okay.  
9 Mr. Spector, obviously, from what you've said, you don't  
10 agree with that and I'd like to ask you to elaborate on  
11 that. But I'd also, after that, ask you to briefly explain  
12 to us what the downside of the State prison system going  
13 into receivership would be?

14 PANEL MEMBER SPECTOR: I don't really see one, to  
15 answer your second question, first.

16 COMMISSION CO-CHAIRPERSON HAUCK: All right, what  
17 about a consent decree that would go along with that?

18 PANEL MEMBER SPECTOR: Well, you know, when  
19 Governor Schwarzenegger announced that he didn't really care  
20 if a receiver took over the Department of Corrections, as  
21 long as that would fix the problem, I immediately called  
22 Secretary Hickman and said, you know, your boss has a good  
23 idea, you ought to listen to him.

24 Under the current system, the Department of  
25 Corrections can't get better because, as Mr. Gunn said, they

1 don't pay enough to attract qualified individuals.

2 Let me give you the best example of that.

3 Healthcare in the prison systems cost close to \$1 billion  
4 dollars, and yet you have to pay somebody a little over  
5 \$100,000 to be -- that's all you have to pay to run a giant  
6 operation that's roughly equivalent to Kaiser.

7 A receivership could get through all the State  
8 bureaucracy, it could set levels of pay, and you could  
9 control the receiver in ways so that it didn't run amok and  
10 it did what we think it should.

11 I'd be happy to talk about that more, but that's  
12 the basic answer.

13 Secondly, in terms of the Civilian Commission, I  
14 agree with all of the principles that Senator Romero  
15 enunciated about the importance of civilian oversight. I  
16 think it's critical.

17 I mean, for 30 years, until the last year or so,  
18 we've been the only ones who have kind of been paying  
19 attention. Not the only ones, but the only ones who have  
20 been suing and paying attention on a regular basis.

21 And many of the problems that we have identified  
22 would have been fixed earlier, I think, if there was more  
23 public awareness of what goes on in prisons.

24 As a matter of fact, one of the side benefits of a  
25 lawsuit is that it forces the prison practices out into the

1 public, and once that is done there's a mitigation that  
2 comes with it, and the practices sometimes change just  
3 because of that.

4 I don't think, though, that the current model is a  
5 useful idea. It's a political appointment. You know,  
6 Mr. Dunn talked about the politics that go on involving the  
7 wardens. Well, it's been reported to me, and I don't have  
8 firsthand knowledge of this, but it's been reported to me  
9 that before the wardens got even to the Senate, they were  
10 vetted by the guards union. So, especially in the former  
11 gubernatorial administration, the CCPOA had lots more  
12 influence.

13 So I think that same influence with another  
14 Governor could certainly come in and affect who runs the  
15 Commission. So I don't think it takes care of that problem.

16 And the other problem with it, and the most  
17 serious problem is what -- if you are Governor, and you want  
18 to hold somebody responsible, holding a commission  
19 responsible is just very difficult. Now, you have Secretary  
20 Hickman, and if he's not doing his job, the Governor should  
21 fire him and he should get somebody else. With a  
22 Commission, you can't do that.

23 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.  
24 Jay Benton and then Sheriff Carona. Have I missed anyone?

25 COMMISSIONER BENTON: Okay, thank you very much,

1 Madam Chair.

2 Two questions, one is a specific question and then  
3 one is a more general question. The specific question is to  
4 Sheriff Hill. In your testimony, you used the statement  
5 that the Board of Corrections is being abolished, and you  
6 were opposing that. But the material given to us suggests  
7 that it's being moved and renamed.

8 Could you share why you used the term "abolished?"

9 PANEL MEMBER HILL: I used the term "abolished"  
10 based on the concern that the Sheriffs have on what the  
11 current mission of the Board of Corrections would become  
12 under the new CSA.

13 We have an organization that we work with on a  
14 daily basis, here in California, the Board of Corrections,  
15 that was put together at the suggestion of the Sheriffs.

16 We have a tremendous standards of hiring practice,  
17 currently, with the Board of Corrections, which has created  
18 a high level of professionalism amongst the Corrections  
19 staff, statewide. There's the minimum standards for the  
20 facilities and the operational aspects.

21 And the concern, when we use the term "abolish" is  
22 that we're going to be lost in this great malaise of the  
23 cultural change that is going to have to occur within CDC.

24 We have a good relationship, a good working,  
25 operational component with the current BOC, and we just are

1 very concerned that that is going to get completely diluted  
2 into the black hole which, primarily, we're discussing here  
3 today.

4 COMMISSIONER BENTON: Okay, thank you.

5 My second question is more broadly based, and  
6 perhaps Senator Romero can start, and Mr. Paulson might have  
7 a comment, and that is this whole reconciliation with the  
8 notion of rehabilitation and sentencing.

9 Over the years I've heard both sides of that  
10 discussion. The citizens of the State passed "Three  
11 Strikes" a few years ago, which seems to reduce the  
12 flexibility of rehabilitation, mandating sentencing.

13 Can you discuss this whole reconciliation of the  
14 need to rehabilitate, which most would support, with the  
15 need to have sentencing that punishes?

16 PANEL MEMBER ROMERO: And again, let me just  
17 indicate that you are having a one morning discussion about  
18 Corrections, and I applaud that. Under the auspices of my  
19 Committee, we're actually going to do a series of hearings,  
20 and this particular issue will be one of those focuses.

21 However, let me respond by letting you know  
22 that -- and I sit here as a Senator, but I also sit here as  
23 having been a victim of a violent crime in California.

24 Ten years ago my daughter and I were the victims  
25 of a violent carjacking. Our assailant was sentenced to 12

1 years. I believe he's still in one of our facilities,  
2 today. He was on parole at the time that he attacked myself  
3 and my daughter.

4 I thought back then, and I believe it even more so  
5 now, that we will continue to have this revolving door  
6 unless we shift our priorities and focus back on  
7 rehabilitation, becoming smart on crime, not only tough on  
8 crime.

9 With respect to the sentencing, I have been an  
10 adamant opponent of "Three Strikes" legislation, because the  
11 reality is, as much as I want to be tough on crime, as much  
12 as I believe in punishment, we are simply running geriatric  
13 facilities today. And the cost of maintaining somebody who  
14 is more a fiscal threat than a public safety threat, in our  
15 prisons today, is costing us and not allowing us to put  
16 those funds into rehabilitation, education, you name it.

17 So this issue, I can't give you all the responses  
18 today. I'm actually going to be holding a more detailed  
19 hearing on looking at sentencing. But we need fundamental  
20 reforms, and I think we can achieve both. We can be tough  
21 on crime, but we have to be smart on crime, and it means  
22 substantive reforms.

23 The best thing about having this perfect storm in  
24 California is that in years past, when myself, and others,  
25 Don Spector and others raised concerns about corrections and

1 sentencing, we were oftentimes labeled as being soft on  
2 crime. I think the perfect storm has allowed us, and that's  
3 probably been the best thing for California, to simply have  
4 a healthy discussion about the need for rehabilitation,  
5 possible sentencing change, without the labeling taking  
6 place. It's simply how do we get the most to protect,  
7 ultimately, the taxpayers of California, and the victims of  
8 California, as well as the inmates and their families.

9 COMMISSIONER BENTON: Mr. Paulson?

10 PANEL MEMBER PAULSON: Just a really quick  
11 comment. I think it's the great myth that, for example, and  
12 it's gotten us a couple of very bad schemes in California,  
13 the myth that people go to prison for simply possessing  
14 drugs got us Prop. 36. The myth that people go to prison  
15 for nonviolent crimes has gotten us the current Prop. 66,  
16 which threatens to take away from us one of the real keys to  
17 the success of keeping violent criminals off the street.

18 Simply put, the comments that Jerry made earlier,  
19 I think should be well taken, and that is that the time to  
20 deal with persons who are nonviolent, nonrepeat offenders is  
21 early on in the system, and that is an aspect that is  
22 critically important.

23 But as Richard Pryor, I think, once said, "thank  
24 God for prisons."

25 COMMISSION CO-CHAIRPERSON KOZBERG: Don, did you

1 want to say something, and then Jerry.

2 PANEL MEMBER SPECTOR: I just have one very quick  
3 comment, and I think the answer to your question is that  
4 rehabilitation and punishment are not inconsistent. I think  
5 you can do both. I think, you know, in this society we are  
6 always going to do punishment. The emphasis, though, has to  
7 be on rehabilitation now, because it's been stripped from  
8 the prison systems. And to me, that's as much a public  
9 safety goal as punishment. Because if you can prevent the  
10 crime, everybody wins, rather than the other way around.  
11 Thank you.

12 COMMISSION CO-CHAIRPERSON KOZBERG: Barry.

13 PANEL MEMBER KRISBERG: Yeah, I just want to  
14 comment that we recently commissioned a poll of the  
15 California citizenry, using the Field Research Corporation.  
16 And what we found was that California citizens, by an eight  
17 to one margin, want a comprehensive rehabilitation system,  
18 services in prison, and good reentry services, as opposed to  
19 a punishment only system.

20 And that support for a rehabilitation system among  
21 the citizenry is as true in the Central Valley, as it is in  
22 the Bay Area. There's no differences, really, between  
23 political affiliation, or any ideological affiliation.

24 California citizens are telling us, through a  
25 variety of ways, we asked a lot of different questions, that



1 the punishment only model has failed. For nonviolent  
2 offenders and drug offenders, they want a rehabilitation  
3 model.

4 We can't have a system driven by Parnell and  
5 Singleton, when they do not represent 163,000 inmates. So I  
6 think we need a balance.

7 Yeah, the people we're scared of, let's keep them  
8 locked up as long as we can. But then there's a whole  
9 'nother set of people that, as Senator Romero said, we're  
10 spending a lot of money warehousing them when rehabilitation  
11 is the only way out of that box.

12 COMMISSION CO-CHAIRPERSON KOZBERG: Sheriff  
13 Carona.

14 COMMISSIONER CARONA: I'd pose this to both  
15 Senator Romero and Mr. Spector, and this deals with the  
16 Civilian Oversight Commission. And I say this respectfully,  
17 because Senator Romero used it as an example, with the Los  
18 Angeles Police Commission. The mere fact that you have a  
19 Civilian Oversight Board or Commission does not guarantee  
20 success.

21 The Los Angeles Police Department has had their  
22 Commission in place during Rampart, during Rodney King, and  
23 those issues still came about.

24 One of the concerns that I have about civilian  
25 oversight is the civilian control, not the oversight. I

1 think what Mr. Spector has been doing, albeit via lawsuits,  
2 is civilian oversight.

3 What you've been doing, Senator, in your hearings,  
4 is civilian oversight. And that is dramatically different  
5 than civilian control.

6 My concern about the political appointments,  
7 you've already debated. The question that I'd pose to you  
8 is, is there a hybrid where you could put together a  
9 Civilian Oversight Commission, that is just that, a way to  
10 vet for the Secretary, and for the Governor, and for the  
11 Legislature and, I guess ultimately, for the people of the  
12 State of California, an examination, constant examination of  
13 the California Correctional System, without having them be  
14 yet another layer of bureaucracy and another layer of  
15 control? Is that possible?

16 PANEL MEMBER ROMERO: I believe it is. And again,  
17 as I indicated, I was very enthused with the proposal  
18 because I do believe in civilian oversight. I do support  
19 the L.A. Police Commission model.

20 In fact, in my previous life, before I came to the  
21 Legislature, I was part of an ad hoc advisory committee  
22 council, to the L.A. Police Commission, at the time that  
23 Rodney King happened.

24 In my conversations with Mr. Gunn, other members  
25 of the Panel in our hearings, if the Civilian Oversight

1 model is not adopted, I've suggested perhaps there can be  
2 some hybrid, some type of an advisory council. I don't  
3 know, we're still sort of working through this.

4 I plan to go to Texas, to take a look at their  
5 civilian oversight model. We plan to hold a subsequent  
6 hearing, looking at this portion of the IRP's panel.

7 I strongly believe that in whatever form, if this  
8 model doesn't fly -- I'm very cautious, though, hearing  
9 Governor Deukmejian sit at this very chair, and Governor  
10 Deukmejian was known as a tough-on-crime Governor, and for  
11 him to come and to say this is the linchpin of my reform  
12 model, I respect that. I have got to listen to that  
13 because, as we all know, we've had so many panels in the  
14 past.

15 I don't know if this one works, but I do believe  
16 in public oversight, the greater transparency, the better.  
17 If it's not an absolutely Civilian Oversight Council,  
18 advisory. But things have got to be out in the public. And  
19 if we shut the doors on that, we lose.

20 To some extent, I'm almost saying we're at the  
21 bottom of the barrel. And so, since our present model  
22 hasn't worked, what would be wrong with essentially having  
23 the equivalent of the Regents of the University of  
24 California overseeing, in a somewhat similar fashion,  
25 Department of Corrections in California. UC is a world

1 model, nobody's arguing about them.

2           So to some extent, the argument could be dare we  
3 take a risk. I guess that's where we are, dare we take a  
4 risk? And we are at the point where we know this system is  
5 so dysfunctional, it is so broken that perhaps it is a time  
6 to take that leap of faith, and listen to the words of  
7 Governor Deukmejian, and Mr. Gunn, and the Governor's own  
8 assembled panel, to perhaps say, this is a risk worth  
9 taking. And all it means, perhaps, is simply having people  
10 from the State of California oversee it.

11           I'm not totally convinced, perhaps a hybrid can be  
12 developed, but we truly need to go a different way than  
13 where we've been.

14           PANEL MEMBER SPECTOR: Yes, our distinction  
15 between control and advice, or transparency is, I think,  
16 critical, and it goes to the part of the problem.

17           I think whatever you recommend, you should  
18 definitely recommend that there be some civilian oversight,  
19 and that means not only acting as advisors, but being able  
20 to go into the prisons and measure what's going on.

21           But I don't necessarily think that control is the  
22 best way here, for the reasons I've previously stated.

23           I know the counter example, as Senator Romero  
24 says, is the Regents, which seems to be working. I just  
25 don't think it would add anything and it would detract from

1 the process.

2 COMMISSIONER CARONA: And one last point, and  
3 since I have Senator Romero here, and two of your  
4 colleagues, and two Assembly Members, that are my colleagues  
5 on the Commission, as a man who has the, I guess,  
6 distinction or privilege of running the second largest  
7 county jail system in the State of California, and the sixth  
8 largest in America, rehabilitation does work.

9 It works for drug-addicted offenders. Not on all  
10 of them, but on a lot of them.

11 It works on mentally ill offenders. Not on all,  
12 but on a lot.

13 Vocational training changes their lives. If they  
14 can get a job, they tend not to come back into our jails,  
15 which means they tend not to go to the State prisons.

16 But the one portion of the debate that isn't  
17 before us, that I think needs to be carried back to your  
18 colleagues in the Legislature, is the fact that you can  
19 educate those who are in the State prisons, or in the county  
20 jails, you can even do it with the juveniles, in the  
21 Juvenile Justice System, but at that point in time you're  
22 really putting a band-aid on the problem.

23 It's the investment in the kids long before they  
24 come into the Criminal Justice System.

25 And I think it's that analysis, that if the State

1 of California is serious about reforming the Criminal  
2 Justice System, and the problems that we have with our State  
3 prisons, that the strategic plan needs to look back at those  
4 kids who are at risk in our communities, investing in them  
5 early on. That will change where we're going with the State  
6 of California, and it will ultimately change the number of  
7 beds that we're employing in the State prison system.

8 (Applause.)

9 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

10 I think we're going to have to wrap it up with our  
11 last two questions, Dale Bonner, and then Denise Ducheny.

12 COMMISSIONER BONNER: I'll try to be brief. I  
13 think one of the points that's been alluded to, and somewhat  
14 implicit in the Sheriff's comments, and Dr. Krisberg, is  
15 that we should be clear in having a public discussion,  
16 because what's good for youthful offenders, or attempting to  
17 prevent youthful offenders, on the one hand, may be very  
18 different than what's good for someone in a level four,  
19 maximum security institution, that is going to be a killer  
20 on day one, and you know, for the rest of his life or her  
21 life.

22 So I think there's a little bit, you know, I think  
23 we need to keep that discussion clear in terms of which  
24 group of the population that we're talking about.

25 The other thing that I want to just get a reaction

1 to, in terms of this Oversight Commission, is that it seems  
2 to me that you have a big problem identifying what its core  
3 mission is, and that is whether it's a prisoner's rights  
4 body, or is it a body that's primarily looking out for the  
5 interest of victims and the public.

6 I mean, a key distinction between, say, the  
7 L.A.P.D. Commission is that the public is very much engaged  
8 because you're looking to make sure that the Police  
9 Department is responsive to taking care of the public safety  
10 needs in the community. People are concerned about how  
11 they, themselves, may be treated at the hands of law  
12 enforcement officials. So the public is very much engaged  
13 in those commissions and wanting to see how the Police  
14 Department operates.

15 I see at this Commission that you may have, you  
16 know, the victims rights community coming to demand that the  
17 institutions do more to crack down on some of these  
18 criminals, or you may have some of the other organizations  
19 that are more interested in prisoner's rights coming to make  
20 their piece.

21 So it just seems to me that you set up this  
22 potential for this Commission to be inherently conflicted as  
23 to what its role is and, you know, the split votes, and the  
24 uncertain policy.

25 So if someone could share a little thought about

1   how you really would see it, what its core mission would be,  
2   and how that would be defined in any clear way?

3               PANEL MEMBER HILL:  I would see its primary role  
4   as getting the administration and management, all the way  
5   down to the first line supervision within the facilities, to  
6   be held accountable and responsible for their actions.

7               The culture within the CDC and CYA, currently, is  
8   so degraded and has been allowed to degrade over the years  
9   because of lack of training and expertise at the management  
10  level.  I see that the Oversight Commission's primary goal  
11  would be to get that turned around and get that stopped.

12              People have got to be held accountable and  
13  responsible for these facilities and the inmates that  
14  they're responsible for the care and custody of.

15              Basically, what we're doing is we're warehousing  
16  human beings.  They have to have responsible management in  
17  those areas.  And I don't believe that this reform package  
18  is going to be even possible if that primary focus is in  
19  that area.

20              And I think that's why Governor Deukmejian and  
21  Mr. Gunn here, today, expressed to you in no uncertain  
22  terms, and Senator Romero also said, it's the linchpin  
23  behind this entire process, and I don't believe it's going  
24  to happen unless that Oversight Commission is looking at  
25  that, specifically.



1           COMMISSION CO-CHAIRPERSON KOZBERG:   Senator  
2   Ducheny.

3           COMMISSIONER DUCHENY:   Yes, a couple of comments  
4   and just maybe a reaction from some of you.   I guess sort of  
5   my instincts were similar to some of yours, and I think the  
6   notion that there's a Civilian Board of some kind involved  
7   here I think is a good notion, and I think the troublesome  
8   part's going to be figuring out what it ought to do.

9           Because I tend to agree with Mr. Spector, that I  
10   don't think you use a board to make policy, and procedure,  
11   and regulations in this context.   You have to have some  
12   accountability to someone.   The Director's accountable, end  
13   of story.

14           And in the same context that we're talking  
15   about -- but on the other hand, to have an entity, and maybe  
16   it ought to work with the Inspector General, you know, where  
17   there's an analysis in here that suggests that appeals of  
18   personnel issues should be expedited in a different way in  
19   the prison system, and not go to the State Personnel Board.  
20   Maybe you have your own civilian-similar personnel board,  
21   that's a corrections one, that looks at it.

22           And I think there's some other ways to turn some  
23   of the ideas in here, and certainly, we'd love to see  
24   Sheriff Carona's eight percent solution stuff, you know,  
25   spread all over the world, in probation officers.

1           And I think a lot of the frustration with this is  
2   it's a function of money, and it's a function of that sort  
3   of how do you turn the ship around problem that we all have.  
4   How do we tell people we really want to spend money on  
5   probation, because we think we're really going to save money  
6   over here at the end, and get real probation officers, and  
7   get enough of them, and get case load, and do eight percent  
8   solutions, and do juvenile justice planning and, you know,  
9   buy a computer system for the prisons so that when they  
10   transfer somebody from one to the other, they actually know  
11   who they are. You know, track their health records.

12           I mean, those are investments that would make the  
13   prisons run better, and get people out of gyms so you could  
14   have recreational and vocational programs again. Yeah, all  
15   of that is sort of a function of money.

16           And I don't know what's in here that helps us get  
17   to that.

18           Having a Civilian Board to advocate and give  
19   people more confidence I think could play a role in that,  
20   although I don't think, again, that it's really a policy  
21   making, procedural, regulatory entity. But maybe some of  
22   the appeal roles, which ones would be good.

23           And the flip side of the civilian oversight,  
24   that's recommended from that, that I thought was sort of  
25   backwards here, is the not having Senate-confirmed wardens.

1           And I don't know, and I'm sorry, I got here late,  
2   if anybody commented on that one. But it seems to me that  
3   is part of the civilian oversight is the Senate confirmation  
4   of personnel. And I don't know where else.

5           Losing the Board of Prison Terms is sort of losing  
6   some of that oversight because those people are confirmed.

7           And I don't know, and any comment on the parole  
8   aspect, this question of using Administrative Law Judges in  
9   lieu of a board for parole hearings, would there be a way to  
10   say it's a special panel of Administrative Law Judges,  
11   subject to confirmation or something? Just sort of throw a  
12   couple of those out for comment.

13          PANEL MEMBER SPECTOR: Your point about the Board  
14   of Prison Terms, the Parole Board, is perfect, because it  
15   also shows what could go wrong with the Commission. Because  
16   the way it is now, the Commissioners are a political  
17   appointment by the Governor. And as you would expect, and  
18   with some legitimacy, the people who are appointed are  
19   mostly law enforcement officials. Not university, but  
20   they're ex-probation officers, ex-police chiefs, and the  
21   like.

22          And my fear is on the Commission you would get  
23   pretty much the same kind of political appointments and the  
24   dialogue, and if you don't have a division, you would just  
25   have a one-sided perspective.

1           In terms of the Administrative Law Judges, you  
2 know, my feeling about the Parole Board is that nothing can  
3 be worse than the current system, so it would be better to  
4 have Administrative Law Judges, who are civil service  
5 appointees, who don't have to be responsible to the Governor  
6 if they let somebody out on parole, than the current system  
7 which, basically, nobody gets out on parole who's serving a  
8 life sentence.

9           PANEL MEMBER ROMERO: Senator Ducheny, if I might  
10 add as well, too, I mean, I agree with you that basically,  
11 where we've had our opportunity to do, the public vetting  
12 has been in the confirmation process. So there's got to be  
13 something, somewhere, we just can't walk away from it.

14           But this is why there are so many questions about  
15 the Civilian Oversight Commission. I was actually, I would  
16 say, shocked when I read it, but very pleasantly surprised.  
17 It puts, really, a revolutionary concept on the table for us  
18 to wrestle with. And the only thing that I ask is that we  
19 not declare it dead on arrival. That would be disrespectful  
20 to Governor Deukmejian, to Mr. Gunn, to the Panel, that  
21 really, I think, had the courage to put this forward,  
22 probably knowing that there would have been efforts,  
23 initially, to say what do civilians know.

24           I intend to hold hearings, under the auspices of  
25 my subcommittee. I would invite any Commissioner, who's

1 interested in participating, to do so. We have models in  
2 Texas, I believe in Louisiana, in Los Angeles, there are  
3 other models, whatever the form may take.

4 The questions that you've asked about what would  
5 it do, what would it look like, how do you have a fair  
6 balance, those are things that you know, Senator Ducheny,  
7 and Assemblyman Yee, and Assemblywoman Bates, we grapple  
8 with even when we do any confirmation for any board, that  
9 right now exists in California.

10 But it's such an intriguing concept, that my hope  
11 would be that we sort of hang in there and keep looking at  
12 it. Because I'll go back to, when I read this report, they  
13 indicate it's the linchpin. And to do justice to this 300-  
14 page volume, we cannot dismiss the linchpin, tinker with  
15 reforms, because I would not doubt that we'll be right back  
16 here ten years from now, maybe back here at Cal State Long  
17 Beach, with a new panel, saying how do we fix Corrections in  
18 California.

19 COMMISSION CO-CHAIRPERSON KOZBERG: J.J.

20 COMMISSIONER JELINCIC: Yeah. I want to point out  
21 that you're not going to change Corrections or any agency  
22 without the participation of the employees. I had suggested  
23 both a teacher and a nurse for this panel. For whatever  
24 reason, they were not chosen.

25 But I think it's important to put on the record

1 that CCPOA was, in fact, invited to participate in this  
2 Panel and, for whatever reason, chose not to.

3 COMMISSION CO-CHAIRPERSON KOZBERG: I want to  
4 thank the panel for a very thoughtful discussion. Thank you  
5 so much.

6 We now break for lunch. We'll be back in a half  
7 hour.

8 (Thereupon, the luncheon recess was  
9 held.)

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1                   A F T E R N O O N   S E S S I O N

2                   COMMISSION CO-CHAIRPERSON HAUCK:   Okay, folks,  
3   we're going to get started again.

4                   The Panel that we're dealing with this afternoon  
5   is related to Homeland Security and Public Safety and, as  
6   has been our practice, we have asked the CPR folks, that  
7   were involved in these recommendations, to do a little  
8   overview for us.   And we'll ask Chon to begin that, and then  
9   you can take it from there and introduce the CHP folks that  
10   are with you, Chon, and we'll get into this.

11                  CO-EXECUTIVE DIRECTOR GUTIERREZ:   Thank you,  
12   Mr. Chairman.   Members, it's a pleasure to be with you this  
13   afternoon.

14                  In recognition of your very tight time schedule,  
15   and the amount of work that you're going to complete this  
16   afternoon, I'd like to make my comments as brief as  
17   possible.

18                  First of all, the Governor did create the  
19   California Performance Review, and through that process we  
20   created 14 teams, that looked at different areas of  
21   government.

22                  One of those teams was the Public Safety Team, and  
23   it was a team that was headed up by Manny Padilla, the  
24   Deputy Commissioner of the California Highway Patrol, and Ed  
25   Fincel, the Assistant Chief of the California Highway

1 Patrol.

2 They put together a team of about 14 members.

3 They were a mixed discipline of people that were analysts,  
4 some were State managers, but the majority of them were  
5 sworn officers.

6 So this afternoon, I'd like to have Manny walk you  
7 through his report, and we'll be happy to answer any  
8 questions you may have.

9 TEAM LEADER PADILLA: Good afternoon, and thank  
10 you very much for the opportunity to be here today, to go  
11 over what we went through as we came up with these  
12 recommendations.

13 I'd like to take this opportunity to thank my Team  
14 Members that are here today, and thank them, once again, for  
15 all their hard work.

16 COMMISSION CO-CHAIRPERSON HAUCK: Manny, just for  
17 the record, say who you are and your organization.

18 TEAM LEADER PADILLA: Sure. My name is Manny  
19 Padilla, I'm the Deputy Commissioner of the California  
20 Highway Patrol.

21 Early on, when I was asked to be part of the CPR  
22 team, Chon Gutierrez, and the other Executive Directors,  
23 made it clear that the CPR principles that were our guiding  
24 light, if you will, were to put people first, be visionary  
25 and innovative, be accountable and efficient, be performance



1 driven, and save taxpayer dollars.

2 We immediately determined that when they defined  
3 the Public Safety Team that it involved law enforcement,  
4 fire protection and emergency management, as well as  
5 Homeland Security, and victim services.

6 The mission we set out for ourselves was to  
7 provide public safety, Homeland Security, and emergency  
8 management services in a responsive and efficient manner to  
9 the people of California.

10 The Governor's directives, of course, were to  
11 reduce total cost of government operations, increase  
12 productivity, improve services, make government more  
13 responsive and accountable to the public.

14 The strategic goals that the Public Safety Team  
15 set out for itself were to improve public safety, prevent  
16 terrorist attacks, protect lives and property, service to  
17 the public, cost efficiency, enhance information analysis  
18 and research, respond to all hazards and emergencies,  
19 recover from all hazards and emergencies, multi-hazard  
20 mitigation, and improve communication and information  
21 sharing.

22 The core competencies were law enforcement,  
23 protective services, planning, emergency management,  
24 training, information analysis, victim assistance, and  
25 security.

1           Throughout the process, the five months that we  
2   were involved in this process, we received input from a  
3   variety of resources. Specifically, constituent letters, a  
4   variety of e-mails, personal phone calls, research, and  
5   meetings with a variety of stakeholders.

6           If you look at the next chart, all the highlighted  
7   in yellow boxes are what is the existing org. chart for the  
8   State of California, and you can find that in the back of  
9   the State telephone book. So every one of those yellow  
10   highlighted boxes has some form of responsibility to public  
11   safety.

12           Public safety, as we know it today, is more than  
13   80 State entities that have some public safety function.  
14   These include six Constitutional offices, 31 departments,  
15   under nine agencies, two university systems, with 32  
16   separate police departments, and two commissions.

17           Specifically, with regard to law enforcement, the  
18   State law enforcement today is over 30 State departments and  
19   boards that have or use some type of peace officer  
20   classification. Some have full peace officer powers, some  
21   have limited peace officer powers. Some have  
22   classification, but little or no law enforcement function.

23           They also have no coordinated training. Many have  
24   their own training academies. No coordinated equipment use  
25   procurement. Many weapons, cars, radios, safety equipment,

1 et cetera, are purchased in a variety of manners instead of  
2 through one source of procurement, and there's no  
3 coordinated or unified command structure.

4 With regards to emergency management, there's  
5 confusion. We discovered that there is some confusion about  
6 the roles of OES and the Office of Homeland Security, as it  
7 exists today. There's a lack of coordinated training,  
8 funding disparities for fire service equipment and training.  
9 Again, there's a lack of unified command structure and  
10 presence.

11 And with regard to victim services, we found that  
12 the funding source is spread across different levels of  
13 government, currently, no lead agency, lack of coordination,  
14 and conflicting and duplicative policies and bureaucracies.

15 Our recommendation, for the Public Safety Team,  
16 was to create a Department of Public Safety and Homeland  
17 Security, consisting of four divisions, the California  
18 Highway Patrol, Division of Law Enforcement, Division of  
19 Fire Protection and Emergency Management, and a Division of  
20 Victim Services.

21 The Department of Public Safety would be led by a  
22 Secretary, who would oversee law enforcement, fire  
23 protection and prevention, emergency services, homeland  
24 security functions, and victim services.

25 The way we have it outlined or the way we

1 recommended it was that the California Highway Patrol will  
2 remain intact, as it already has a broad range of personnel  
3 located through the State, the training's consistent, and we  
4 already have a footprint or infrastructure in place to  
5 assist with the procurement of a variety of equipment for  
6 the other Divisions that fall under the Department.

7           The Division of Law Enforcement would consolidate  
8 the law enforcement services from officers from within the  
9 Alcoholic Beverage Control, Game Wardens from Fish and Game,  
10 Park Rangers from State Parks, and State Fair Police, as  
11 well as Department of Developmental Services Protective  
12 Services, DMV Investigators, Consumer Affairs Investigators,  
13 and Toxic Substance Control.

14           The Division of Fire Protection and Emergency  
15 Management would consolidate emergency management functions  
16 from OES, Homeland Security, Forestry and Fire Protection,  
17 EMSA, DSS Disaster Section, and Department of Water  
18 Resources Flood Management and Dam Safety.

19           With regards to Homeland Security, the structure  
20 function's modeled after the federal model, it streamlines  
21 communication between federal, State, and local entities,  
22 centralizes intelligence gathering and analysis, and  
23 centralizes federal grant management.

24           The Division of Victim Services consolidates  
25 services from three separate bureaucracies, Victims

1 Compensation Program, which is the Victim Compensation and  
2 Government Claims Board, Battered Women's Shelters Programs,  
3 from Department of Health Services, and Victim Service  
4 Branch from the Office of Emergency Services.

5           Some of the public safety issues we looked into  
6 were the coordination with California Military Department,  
7 the use of Peace Officer classification, information  
8 analysis and infrastructure protection, Medi-Cal fraud  
9 investigations, inefficiencies in hazard mitigation,  
10 emergency incident funding reimbursements, the Cal-PERS  
11 Disability Fraud Unit, and improved services to crime  
12 victims.

13           Our recommendations were that we keep the Military  
14 Department independent, reporting directly to the Governor,  
15 as it is. Maintain a coordinating relationship with the  
16 Department of Public Safety and Homeland Security.  
17 Reclassify the DSS Peace Officers to nonpeace officer  
18 classification. DPA and POST to review peace officer  
19 classification employed by nonpeace officer entities.  
20 Create an Office of Information Analysis and Assessment.  
21 Transfer Medi-Cal Fraud Branch from the Department of Health  
22 Services to the Department of Public Safety. And then  
23 create a California Hazard Mitigation Advisory Council.

24           We also suggested establishing a contingency fund  
25 for OES, transfer the Medi-Cal Provider Fraud from DHS to

1 DOJ, and enhance prosecution of Cal-PERS disability fraud  
2 cases.

3 We would also recommend consolidating OES Victim  
4 Assistance Program into the Victim's Compensation and  
5 Government Claims Board. We suggest allocating 5 to 10  
6 percent of Restitution Fund revenue to victim witness  
7 centers statewide, so that they can better educate judges on  
8 just how they should implement restitution requirements on  
9 cases that have been settled. And improve victim  
10 compensation payments and access to information systems.

11 Overall, the Public Safety Team, we looked at 112  
12 issues, in total, 14 consolidated issues in this report,  
13 with 23 recommendations. Of those that can be estimated,  
14 are \$7.6 million in savings over the next five fiscal years.

15 This new Department puts the public first, single  
16 entity for a majority of the public safety services,  
17 streamlines operations, one entity controls deployment of  
18 resources, increase efficiency, overlapping positions  
19 reduced, equipment procurement and training consolidated.

20 So at this time I'd just like to, again, thank you  
21 very much for allowing us to convey our recommendations and  
22 to remind you that, of course, these are recommendations.  
23 And we look forward to any input we get from you, as well as  
24 the public.

25 Thank you.

1 COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you,  
2 Manny.

3 ASSISTANT TEAM LEADER FINCEL: Good afternoon, I'm  
4 Assistant Chief Ed Fincel, with the California Highway  
5 Patrol, and I was the Assistant Team Leader during the CPR  
6 process, and I just echo what Manny has covered with regard  
7 to the recommendations that the Team has made, and then to  
8 be here to answer any questions that would come up specific  
9 to our recommendations.

10 Thank you.

11 COMMISSION CO-CHAIRPERSON HAUCK: Okay, thanks.

12 Questions? Beverly.

13 COMMISSIONER O'NEILL: When we were in San Diego,  
14 and we heard people from the public addressing the group, I  
15 think there were two or three people, and if I'm wrong in  
16 assessing what I heard, I'd like the Commission to tell me,  
17 they were concerned and they were from -- they were doctors  
18 from the emergency rooms, and they did not feel that the  
19 emergency rooms should be under the jurisdiction of Public  
20 Safety and Homeland Security. I think they said that if  
21 they came to the door, that's one thing, but inside the  
22 emergency room it really should be in health. And if it's  
23 under Fire Protection and Emergency Management, they were  
24 very concerned about that.

25 And was that something that was taken into

1 consideration, that you had discussions on, and do you go  
2 beyond the door?

3 TEAM LEADER PADILLA: No, we really don't go  
4 beyond -- the portion of EMSA that we intended to bring over  
5 was that portion that certifies the paramedics and the  
6 first-aid training that's required of the law enforcement  
7 and fire fighters, as well as the certification of those  
8 paramedics, and the fire fighters, as well as the law  
9 enforcement.

10 So it wasn't our intent to get into the emergency  
11 room or into the hospital, itself.

12 COMMISSIONER O'NEILL: Thank you.

13 COMMISSION CO-CHAIRPERSON HAUCK: That's good.  
14 Mike.

15 COMMISSIONER CARONA: Manny, two questions that I  
16 have for you. One, the recommendation to create the  
17 California Hazard Mitigation Advisory Council, what did your  
18 group envision that was going to do?

19 TEAM LEADER PADILLA: Well, the purpose of that,  
20 Sheriff, was by creating that Council -- the State,  
21 annually, has to prepare a mitigation plan, and it requires  
22 the involvement of a variety of local agencies, as well as  
23 State agencies. And in order to better effectively  
24 coordinate that plan, as well as -- you know, right now we  
25 tend to take care of mitigation efforts on a case-by-case or



1 hazard-by-hazard basis. This would provide a Council to  
2 look at all mitigation efforts, whether it be fire, whether  
3 it be earthquakes, flooding, or whatever the case might be.

4 So the purpose of the Council is to help  
5 facilitate those plans, and get them in place, as well as  
6 help secure, in a more expeditious manner, federal funding  
7 from FEMA, because FEMA has discovered that out of the --  
8 there's 22 states in the nation that have councils, that  
9 they are the most effective for dealing with those  
10 mitigation plans, they're quick to obtain their  
11 reimbursements, and also to assist in providing the  
12 necessary funding for reimbursement, as well as for  
13 addressing mitigation efforts.

14 COMMISSIONER CARONA: So, Manny, was this  
15 considered to be advisory, or was it actually going to be a  
16 functioning Council that would be operational?

17 TEAM LEADER PADILLA: Well, you know, that's  
18 really -- you know, I heard you mention earlier about a  
19 hybrid council. It could be just about whatever we needed  
20 it to be to be most effective. There was nothing concrete  
21 in terms of implementation or how it should look.

22 We're really concerned that we thought the best  
23 practice from FEMA, their recommendation was that we get a  
24 mitigation council in place to assist us with reimbursement,  
25 and to provide assistance in getting those plans in place on

1 an annual basis.

2 COMMISSIONER CARONA: I see. And the second  
3 question deals with the California National Guard. You've  
4 exempted that from inclusion in this new kind of super  
5 agency that reports directly to the Governor. And what was  
6 your theory behind that, since you've really come up with a  
7 kind of all hazards approach, that mirrors quite a bit with  
8 what the federal government has done?

9 TEAM LEADER PADILLA: Our thoughts behind that was  
10 early on we thought that we could take the National Guard  
11 within the public safety, but they, of course, they become  
12 federalized, and then they're activated, and then they're  
13 not available for a variety of reasons, or for the purposes  
14 that we need them for, where they're there to assist with  
15 riots, or flood control, or whatever the case might be.

16 So we thought that they would be best left under  
17 the direction of the Governor, however, they would be built  
18 into the functional command or the ICS system, in the  
19 eventuality of a mutual aid situation or they did need to be  
20 called out. That was kind of our thought. It doesn't have  
21 to be that way, but we thought that was best, since they're  
22 pretty much -- you know, they're funded by the feds, and  
23 they're required to have that chain of command where they  
24 report directly to the Governor, so we thought that was best  
25 left as is.

1 COMMISSIONER CARONA: Thank you.

2 COMMISSION CO-CHAIRPERSON HAUCK: Thank you.

3 Peter.

4 COMMISSIONER TAYLOR: Thank you, Mr. Chair.

5 Clarify for me, your recommendation to split out,  
6 from the Department of Health Services, the Investigation  
7 Unit on Medi-Cal Fraud? As we move to kind of consolidate a  
8 lot of things under Health Services Agency, we're pulling  
9 this one out, and as I read the description, I got the  
10 impression that really this might be solved simply by better  
11 training some of our investigators. And I'm not exactly  
12 sure how we make the situation better by pulling that unit  
13 out and putting it in a different department.

14 Isn't it true that fundamentally, at some level,  
15 they need to understand the Medi-Cal program, first and  
16 foremost, before they can become good fraud investigators?

17 TEAM LEADER PADILLA: Yes, absolutely. And again,  
18 that was one of those where -- or actually, that was a  
19 program where we saw some overlapping of responsibility.

20 The Department of Justice, they have a Fraud Unit  
21 that does do investigation of Medi-Cal fraud, as well, so  
22 our thoughts were that -- and the way it works right now,  
23 for Medi-Cal fraud, is that the Department of Health  
24 Services, when they get involved, they identify the case and  
25 they start investigating the case. And so they take a

1 preliminary look at the case, but as soon as it looks like  
2 it's going to lead to something, and it's a lot bigger than  
3 they envisioned, it gets referred to the Department of  
4 Justice.

5           And so our thoughts were is that it probably  
6 should be shifted over to the Department of Justice, or  
7 their responsibilities a lot clearer delineated, so that if  
8 they're going to open a case, investigate the case,  
9 investigate it to its fullest, without having to go into  
10 cross-jurisdictional issues.

11           COMMISSIONER TAYLOR: If you were to go forward  
12 with this, really, the main responsibility for kind of  
13 preliminarily identifying potential cases of fraud still  
14 would rest with the Department of Health Services, would it  
15 not?

16           TEAM LEADER PADILLA: Absolutely. In fact, we  
17 would rely on them to identify the case and then refer that  
18 to the Division of Law Enforcement or to DOJ, whoever they  
19 felt it needed to go to.

20           COMMISSIONER FRATES: DHS would just identify them  
21 and really kind of then turn them over?

22           TEAM LEADER PADILLA: Exactly. And it's kind of  
23 like how it works now, with a lot of other State agencies,  
24 that get involved or recognize some type of crime, they  
25 refer it over the appropriate State Law Enforcement Agency

1 to take over the investigation at that point.

2 COMMISSIONER TAYLOR: Okay, thank you.

3 COMMISSION CO-CHAIRPERSON HAUCK: Where did my  
4 list go? Denise.

5 COMMISSIONER DUCHENY: Thank you. Actually, you  
6 asked one of my first questions, which was the National  
7 Guard question.

8 And on the Medi-Cal, just to follow up on that for  
9 a moment, what I thought was odd was that in one part you  
10 recommend the Medi-Cal Fraud Branch to this new Department  
11 of Public Safety, but you recommend Provider Fraud go  
12 directly to DOJ. Why not send them both directly to DOJ?

13 TEAM LEADER PADILLA: That's a real good question,  
14 I can't -- I think one had to do with one looks at the  
15 provider fraud and the other one looks at the individuals  
16 that commit the fraud.

17 COMMISSIONER DUCHENY: Right.

18 TEAM LEADER PADILLA: And so I think that DOJ is  
19 better funded for the provider fraud, versus Medi-Cal doing  
20 the actual individual that commits the fraud, I believe  
21 that's the reason.

22 COMMISSIONER DUCHENY: But it seems if you're  
23 going to have the Fraud Division, as a whole, move somewhere  
24 out of DHS, which I'm not quite sure I think isn't a bad  
25 thing to do the investigation someplace else, and since DOJ

1 has to do the follow up, anyway, it just seems to me maybe  
2 we'd want to do both to the same place.

3 The other piece that I guess I'm most concerned  
4 about is this part that you call Public Safety. I kind of  
5 like the Victim Services and, to some degree, the Emergency  
6 Management, I do think, needs better coordination and some  
7 of these go within that. Although, the way this is laid  
8 out, it doesn't actually say CHP, which I assume is in  
9 charge somewhere here, under law enforcement.

10 But one of the issues with CHP is how would  
11 you -- if it were in this Department, which I assume is part  
12 of the recommendation, how would it still coordinate with  
13 CalTRANS and DMV, with respect to the things that overlap  
14 between them now? I mean, now that you're in a Department  
15 that does transportation, and CHP is there with CalTRANS and  
16 DMV, which are a lot of the enforcement work, I mean, how do  
17 we think about that?

18 And then my other one, just so I finish here, is  
19 just overall, this question of moving game wardens, and park  
20 rangers, and alcohol investigators out of their true  
21 universe of policy making causes me great concern. I mean,  
22 park rangers are peace officers, but their duties are much  
23 different. Yes, they can issue citations. Yes, they  
24 patrol their parks.

25 And they do need to be coordinated in, which is

1 where I think the Department, having somebody that can talk  
2 to those departments and make sure that park rangers are on  
3 the same frequency when it comes to emergencies and fires,  
4 and a whole number of areas, but they do things to protect  
5 resources. They do things to do educational interpretive  
6 centers. I mean, it's a very different function than just a  
7 peace officer, in the CHP sense of the word, I guess.

8 TEAM LEADER PADILLA: Yeah, and when we looked at  
9 it, is that we tried to keep peace officer functions as pure  
10 as we could, when we looked at public safety. And when we  
11 saw that the park rangers were, in fact, performing  
12 interpretive services, and doing other things that were kind  
13 of outside the realm of peace officers, we felt that they  
14 should be utilized for what they're hired, under 830.2 of  
15 the Penal Code, and used as peace officers.

16 So if they're performing interpretative services,  
17 we don't see where the advantage to having the law  
18 enforcement officer doing that, being highly paid --

19 COMMISSIONER DUCHENY: Well, because the same  
20 person can stop people from destroying the things that  
21 they're paid to protect. I mean, that's what they're there  
22 for, they protect the stuff and they stop people from  
23 destroying it, and that's the dual role.

24 CO-EXECUTIVE DIRECTOR GUTIERREZ: We had a very  
25 practical problem in that area, particularly in isolated

1 areas of the State, where you tend to have parks and rec., a  
2 park ranger, or Fish and Game, where they're used in a way  
3 that's not consistent with the classification. But it's  
4 kind of a practical reality, they do interpretive services,  
5 they do peace officer functions. And they're distributed in  
6 such a way that they don't fall neatly into one  
7 classification or the other.

8 And we talked at length to the Director, and to  
9 the Agency Secretary, and part of our recommendation says,  
10 look, there are some people that are clearly law  
11 enforcement, that they spend 80, 90 percent of their time  
12 doing law enforcement work, and we recommend that they be  
13 part of a law enforcement entity.

14 COMMISSIONER DUCHENY: So lifeguards, are you  
15 talking about lifeguards, too?

16 CO-EXECUTIVE DIRECTOR GUTIERREZ: Anyone that's  
17 sworn, that meets the standards in the law, yes.

18 Now, if they have multiple duties, what we'd like  
19 to see is a transition period, where the Department  
20 restructures itself, if at all possible, to take the law  
21 enforcement functions and consolidate them under one law  
22 enforcement position. And the ones that are interpretive,  
23 put them under an interpretive position, so that you get a  
24 clear understanding of their responsibilities.

25 COMMISSIONER DUCHENY: But you lose the policy



1 focus, I guess is what I'm concerned about, and that goes to  
2 the ABC, and the DMV, and those.

3           There's a policy that the Department, and the  
4 Board, or whoever is policing, and the reason you have  
5 enforcement officers is to ensure that the policies of the  
6 Department are being met. And to separate them from -- it's  
7 like taking the body off the head. I mean, I don't quite  
8 get how that works.

9           CO-EXECUTIVE DIRECTOR GUTIERREZ: We recognize  
10 that point. And I'll tell you, Senator, we spent a lot of  
11 time thinking about it. And there are certain areas where  
12 you cannot separate the policy from the sworn activity, and  
13 in those areas we did not recommend consolidation.

14           There are other areas, where we have guidance by  
15 the Constitution, for example in the area of ABC, that you  
16 referenced. There, we're taking both the law enforcement  
17 and the policy and moving it, simply because we have no  
18 other recourse.

19           But what we tried to do was to find a way  
20 to --

21           COMMISSIONER DUCHENY: So this isn't just the  
22 officers, this is the whole thing of ABC?

23           CO-EXECUTIVE DIRECTOR GUTIERREZ: Yes, ma'am. And  
24 the Constitution limits our ability to make that finite  
25 judgment that you're focused on, which was very important to

1 us, and we tried to exercise it as judiciously as possible.

2           These two guys and I spent hours going back and  
3 forth, and some were so close that sometimes we'd say yeah,  
4 then we'd say no, and we'd get more input, and we'd say yes.  
5 And at the end, a decision had to be made, and we've made  
6 it, and it's before you. And we certainly seek your  
7 guidance and advice on those judgments that we made, but we  
8 made them based upon what Manny described as the criteria.

9           COMMISSION CO-CHAIRPERSON HAUCK: Okay. Steve,  
10 J.J., and then Carol.

11           COMMISSIONER OLSEN: Chon, yesterday we discussed  
12 the boundaries under which this effort operated, that being  
13 driven by what could be put forward under the authority of  
14 the Governor's Reorganization Plan, and I suspected in this  
15 area you may have been bounded by that restriction of not  
16 taking a look at the Department of Justice. Would that be a  
17 safe assumption?

18           CO-EXECUTIVE DIRECTOR GUTIERREZ: Yes, that's  
19 absolutely safe. Not only that, there was a very initial  
20 policy meeting that I had with representatives of law  
21 enforcement, where we talked about the effort under hand,  
22 and tried to define a work area that we could accomplish,  
23 and so the Department of Justice was not included in that  
24 area.

25           COMMISSIONER OLSEN: Notwithstanding that early

1 decision, did your Team learn anything about the potential  
2 interface between these organizations and Justice? I mean,  
3 when I first saw a Division of Law Enforcement, my immediate  
4 reaction was, oh, they're taking the Division out of the  
5 Department of Justice, literally.

6 CO-EXECUTIVE DIRECTOR GUTIERREZ: Right.

7 COMMISSIONER OLSEN: I think it might even have  
8 the same name, as I recall, or something very similar. Are  
9 there any obvious connections that would cause a discussion  
10 with the Department of Justice, notwithstanding the fact  
11 that you might not be able to do it under the Governor's  
12 authority?

13 CO-EXECUTIVE DIRECTOR GUTIERREZ: Yes, we did, and  
14 we had some very preliminary internal discussions. Those  
15 discussions are not reflected in the report because we  
16 didn't invest the kind of time and energy that we felt was  
17 necessary to do that.

18 I think, as a general observation, we see some  
19 value in a consolidated Law Enforcement Agency Department,  
20 and that we may not be able to get there all at one time,  
21 but it's appropriate that we recognize that and take the  
22 first step.

23 And I'll turn it over to Mike and Ed -- I mean,  
24 Mike -- to Manny and Ed, and they can share their thoughts  
25 on that subject.

1           TEAM LEADER PADILLA: No, that's pretty much  
2 exactly what Chon said. We looked at it early on. We  
3 thought there were some advantages to maybe consolidating  
4 and bringing them into the Public Safety and it,  
5 Constitutionally, didn't work out.

6           COMMISSIONER OLSEN: Okay. Specific question  
7 following up on Senator Ducheny's general remark about the  
8 connection between CalTRANS and California Highway Patrol.  
9 Specifically, in the case of the Joint Operations Centers,  
10 who would run those? How would that work?

11          TEAM LEADER PADILLA: I mean, we run a variety of  
12 task forces and we're involved in a variety of other issues,  
13 programs, in which we are mixed in with a variety of other  
14 jurisdictions, and they do work out, other departments as  
15 well.

16          COMMISSIONER OLSEN: So you just view it as an  
17 operating matter, rather than one of --

18          TEAM LEADER PADILLA: And, quite frankly, there's  
19 going to be a funding situation that we're going to have to  
20 deal with, as well.

21          COMMISSIONER OLSEN: Okay, thanks.

22          CO-EXECUTIVE DIRECTOR GUTIERREZ: Let me just add  
23 that on that point you make, which is an excellent one, it's  
24 all about relationships there, and the CHP and CalTRANS, on  
25 those TMC Centers, have developed a long-standing

1 relationship.

2           And as I was pondering your question, I was  
3 thinking, well, they're being run by the CHP now. But I'm  
4 not even sure that they are. So it's sort of a transparent  
5 issue --

6           COMMISSIONER OLSEN: Well, one has to wonder.  
7 You're right, if you woke up the next morning, there  
8 wouldn't really be any difference at the operating level.  
9 But as time went on, one could anticipate that one  
10 organization might conclude that one of the centers ought to  
11 be closed down, in favor of building other centers,  
12 elsewhere, and that might not meet the needs of the other  
13 organization. The question is, who would make the decision?  
14 Today, that decision is made by the Secretary of Business,  
15 Transportation and Housing, and there's a way of resolving  
16 that.

17           CO-EXECUTIVE DIRECTOR GUTIERREZ: Correct.

18           COMMISSION CO-CHAIRPERSON HAUCK: J.J.

19           COMMISSIONER JELINCIC: I guess mine is a broader  
20 question. As you move the enforcement people and  
21 investigators all over into this Public Safety, you know, if  
22 I wear my air resources -- not air resources, bad example,  
23 we're proposing to eliminate it. Toxics Control. If I'm  
24 regulating the pesticide industry, and the pesticide  
25 industry knows that I have no investigators or enforcement

1 people, how much juice do I have as a regulator, and how do  
2 I convince the Secretary of the Department of Public Safety  
3 and Homeland Security that it's really kind of important  
4 that he take some of his limited resources and pursue my  
5 interest? How do I influence his definition of his  
6 priorities?

7 So it's really kind of the broader issue of have  
8 we basically neutered all of the regulators?

9 TEAM LEADER PADILLA: Well, again, I would only  
10 offer up that if we have a situation where we knew for a  
11 fact a crime was occurring, you know, taking your EPA  
12 example, that you started to use, we would rely on that  
13 department to notify the Division of Law Enforcement, or  
14 whatever that division's going to be called, so it doesn't  
15 conflict with DOJ's, but we would have investigators  
16 assigned to be able to handle crimes of that nature, just  
17 like you'd have environmental crimes and whatever the case  
18 is.

19 I mean, the law is the law, and if it's broken, we  
20 will -- I envision that the Secretary will have people  
21 trained in specific areas of specialty, pretty much like a  
22 local law enforcement agency does now. And if not, they  
23 quickly become experts and can investigate the crime.

24 COMMISSIONER JELINCIC: But a lot of this is not  
25 necessarily criminal, as much as a regulatory violation.

1 And it gets back to the issue of if this is my world, how do  
2 I make this guy's priorities match up with mine, because he  
3 controls my investigators?

4 If I've got a Secretary of the Department of  
5 Public Safety and Homeland Security, who decides that we  
6 really should -- he's a fireman and he really doesn't think  
7 we ought to be regulating agricultural pesticides, how do I  
8 convince him that he really does have to take some of his  
9 resources and go deal with my regulatory, not necessarily  
10 criminal, violation?

11 CO-EXECUTIVE DIRECTOR GUTIERREZ: One of the  
12 principle policy issues that you have to consider, when you  
13 create something like this, is that very point that J.J.'s  
14 making, and that's the allocation of resources.

15 I know that in my 30 years in State government one  
16 pattern remains true, and that is every time somebody needs  
17 a high priority, and the central entity can't provide it,  
18 then they create their own.

19 Manny went through all the various police  
20 departments that we have in the State of California, that  
21 report to State government, and a number of you at this  
22 table can say, well, I remember when they created this one,  
23 and I remember when they created that one and I, personally,  
24 created a couple of them, including the Lottery police.

25 And so I think that's just a public policy issue.

1 The Legislature has to make a decision about how much of our  
2 resources gets allocated to a particular function, and then  
3 priority judgments have to be made.

4 And so this assumes and builds upon the fact that  
5 the Cabinet will communicate with each other, that the  
6 Governor will set strategic goals and objectives, and the  
7 Legislature will set parameters in terms of the money that  
8 they appropriate.

9 I don't think there's an easy answer. But I think  
10 you're right, J.J., at the point that somebody consistently  
11 doesn't get the service that they want, they'll find a way  
12 to create their own police department.

13 COMMISSIONER JELINCIC: Yeah.

14 COMMISSION CO-CHAIRPERSON HAUCK: Carol. We need  
15 to move on, folks.

16 COMMISSIONER WHITESIDE: Right. I know this is an  
17 area that we're going to talk a lot about here, and in other  
18 settings, but a couple of things on this same issue of the  
19 consolidation of what you call Law Enforcement Services. I  
20 mean, it seems to me that this issue of public safety is  
21 different than the issue of regulatory violation. And a  
22 regulation violation is a crime. It's not that it's not  
23 criminal, but there's a difference in the public safety  
24 aspect.

25 As you envision this, what kind of evolution would



1 you see in five or ten years? Does this all get blended and  
2 become an enhanced State police force? Because you're not  
3 going to allow everybody to wear their own uniforms and deal  
4 within the environment in which they have a specialization.  
5 So how does this all play out over time?

6 TEAM LEADER PADILLA: We'd like to see it  
7 eventually blend. Becoming more refined, I should say, so  
8 that investigators from within that Division of Law  
9 Enforcement are better trained, consistently trained, and  
10 able to handle whatever State crime occurs, whether it's a  
11 violation of regulation, or whatever the case might be.

12 So we would like to see it so that -- you know,  
13 right now, you've got 30 different policies on a variety of  
14 issues out there. You've got different shooting policies  
15 for a variety of State law enforcement agencies. You've got  
16 Penal Code sections that are very restrictive in the use of  
17 those officers. And we think that they can be better  
18 blended, and better used, and more efficient under one  
19 organization.

20 COMMISSIONER WHITESIDE: So could I ask you  
21 because, obviously, you gave a lot of options consideration,  
22 why cross-training and improved coordination was  
23 insufficient, and why you're recommending consolidation?

24 TEAM LEADER PADILLA: Can I get that question  
25 again?

1           COMMISSIONER WHITESIDE: Well, in other words, if  
2 you kept people in their agencies of origin, instead of  
3 consolidating them, and had cross-training, and had improved  
4 coordination, and did some other things to bring them  
5 together to standardize their communication, their shooting  
6 policies, whatever, why that's not sufficient, why you find  
7 it necessary to recommend full consolidation?

8           TEAM LEADER PADILLA: Well, because I think that  
9 they become, they become even more efficient under one  
10 organization, under one leader, than they do now.

11           Right now, because there's a variety of State  
12 agencies, they're dealing with a variety of bureaucracies,  
13 trying to get things accomplished. And so our thoughts  
14 were, you bring them under one organization, with one leader  
15 that can actually direct those resources in a time of need.

16           There was one organization after 9/11, a law  
17 enforcement organization, that the individuals were directed  
18 to go home. When every other law enforcement in the State  
19 was going on 12-hour shifts, and picked up slack for each  
20 other, one law enforcement agency, State law enforcement  
21 agency, was asked to go home.

22           And so, you know, in our minds, there's just too  
23 much bureaucracy when you have them separated. It's better  
24 if you bring them all together as one, you become more  
25 efficient.

1 COMMISSION CO-CHAIRPERSON HAUCK: Leland, and then  
2 Jim, and then we're moving.

3 COMMISSIONER YEE: Just two quick questions. One,  
4 since the issuance of the report, I think Leg. Analyst has  
5 sent out or has commented on this report, talking about  
6 whether or not, in fact, the savings are real, and so on.  
7 Have you had a chance to look at the Leg. Analyst's review  
8 of this particular department, or proposed department, and  
9 whether or not the savings are, in fact, real?

10 And then the second one is that I'm not in law  
11 enforcement, and so I really don't know, in fact, whether or  
12 not this is going to work. Now, is there a way of somehow  
13 doing a smaller version of what you are proposing, see if it  
14 works, and then going to a larger scale, just so that we  
15 don't end up creating a department, finding out five years  
16 afterwards that it really doesn't work, and then you end up  
17 going back to what you really had? And so is there a way of  
18 somehow testing out some of the theories that underpin your  
19 proposed new department?

20 CO-EXECUTIVE DIRECTOR GUTIERREZ: Thank you. The  
21 Legislative Analyst did produce a public report. We do have  
22 that report, we've gone through it, we're working with them  
23 to evaluate their numbers.

24 As far as the fiscal issue is concerned, I think  
25 what the Legislative Analyst simply said is there's a lot of

1 optimism in the CPR report in terms of what we could do with  
2 the federal government, for example, to get them to give  
3 California its fair share.

4 And so I think what she said, what she did, just  
5 as a policy issue, is say let's discount the value of the  
6 CPR by 50 percent. And so I think you can apply that kind  
7 of judgment to the entire document.

8 Here, we're looking at seven and a half million,  
9 Manny?

10 TEAM LEADER PADILLA: Uh-hum.

11 CO-EXECUTIVE DIRECTOR GUTIERREZ: So you're  
12 looking at about a \$4 million value, if you use her  
13 approach.

14 We don't necessarily agree with it. We do agree  
15 that it is a major effort, it's not an easy effort, and it's  
16 going to take a lot of people working hard. We don't see  
17 this entire document being implemented, for example. But if  
18 it were, we don't see this as an easy task in terms of  
19 generating the 31 billion and change over five years, that  
20 we identify in here.

21 As far as this consolidation, we really focused on  
22 bringing sworn law enforcement personnel and fire fighting  
23 personnel under one umbrella. And if you look at the  
24 Department of Forestry, how many fire fighters do they have?

25 TEAM LEADER PADILLA: About 7,000

1 CO-EXECUTIVE DIRECTOR GUTIERREZ: About 7,000.

2 And CHP officers about 8,000?

3 TEAM LEADER PADILLA: About 7,000

4 CO-EXECUTIVE DIRECTOR GUTIERREZ: Well, there you  
5 go, if you put those two together, it's 14,000 people that  
6 would be part of this organization.

7 I think the others, that we add, probably account  
8 for less than 2,000 in total.

9 TEAM LEADER PADILLA: About 3,000.

10 CO-EXECUTIVE DIRECTOR GUTIERREZ: Yeah, 3,000 and  
11 change.

12 So if you wanted to look for a different model, a  
13 different mix, I mean it's the fire fighters and the CHP are  
14 it.

15 COMMISSION CO-CHAIRPERSON HAUCK: Jim.

16 COMMISSIONER CANALES: Chon, this question is  
17 really for you, and it's really more of a request than a  
18 question. It has to do with a subject that has come up in a  
19 lot of the public testimony, and it's unrelated to this  
20 specific matter that we're talking about, and it has to do  
21 with all the boards and commissions that have been proposed  
22 for elimination.

23 CO-EXECUTIVE DIRECTOR GUTIERREZ: Yes.

24 COMMISSIONER CANALES: And you've given us a very  
25 helpful spreadsheet that provides some background and why,

1 and whether they were created by statute, or other  
2 mechanisms, and where the funding sources are.

3 I'm wondering if it would be possible for you to  
4 provide, to the Commission, something along these lines,  
5 that would help us to appreciate better the rationale for  
6 the recommendation.

7 Because it seems to me that there are a lot of  
8 apples and oranges. And, for example, there may be a  
9 perception in the public that, really, the overriding  
10 rationale was cost. Because we've heard in the public  
11 testimony, from a number of people, "this commission costs  
12 nothing."

13 And so, obviously, there's a sense that the reason  
14 that these are being proposed for elimination is because of  
15 cost, and that may not have been the overriding rationale  
16 when you recommended the elimination.

17 And so I guess one request is whether there's some  
18 easy, shorthand way for helping us understand the criteria  
19 that were used and how they were applied for each of these?

20 And then second, I suppose, it would be helpful,  
21 as well, if we could get a sense of prioritization, to the  
22 extent that that played into any of your conversations. It  
23 may be that all 118 of these are viewed as equally in the  
24 Team's mind and, if that's the case, so be it. But it may  
25 also feel that you felt strongly about some and less so

1 about others, and as we begin to do our deliberations about  
2 some of these recommendations, that would be useful.

3 CO-EXECUTIVE DIRECTOR GUTIERREZ: I will be happy  
4 to do that. Let me give you just two or three sentences on  
5 that form. We prepared a form, it was a template, if you  
6 will, that was given to each team member, and then those  
7 boards and commissions that were within their area of  
8 responsibility, they filled out that form, and then we used  
9 that form to make recommendations to either keep or not keep  
10 the commissions.

11 The standard that we use is, is this function  
12 necessary? And if the answer is yes, can it be carried out  
13 by maintaining that activity as part of the board's staff  
14 responsibility, and do we really need the board?

15 So it was never really a cost issue, because the  
16 vast majority of these boards and commissions are funded  
17 through their own revenue stream, and all of your witnesses  
18 have made that point, and they're absolutely right.

19 And so even if we were able to capture it, the  
20 policy decision was made to go ahead and implement those  
21 recommendations, you wouldn't necessarily capture the value  
22 of that savings because it might go to the entities that  
23 paid the fee, that would no longer pay that fee.

24 So it was more of a policy judgment, policy  
25 review.

1           There is always, as I've worked for, gosh, I can't  
2   remember how many Governors, now, I think I've worked for  
3   five Governors, and every one of them have, and some members  
4   of the Legislature, there's a Commission going on now to  
5   review boards and commissions. It's always an interest.  
6   And after all of the work is done, it becomes very evident  
7   that there's not a lot of dollar savings that results from  
8   that.

9           And there's always a trade-off on the other side  
10   that there's a perceived loss to public input.

11          We'll be happy to provide that information.

12          COMMISSIONER FRATES: One quick observation and  
13   perhaps a question. Really, what you're looking at here is  
14   coordination when something major goes down, a major  
15   problem. The U.S. Military does this all the time with  
16   coordinating between different branches.

17          The biggest single problem it looks like you face  
18   is one of communications and procedure. You can deal with  
19   procedure by training and developing protocols. You can  
20   deal with communications by stipulating certain technical  
21   issues.

22          For a \$7.5 million or \$7.6 million savings, which  
23   is a pretty small amount, given the order and scope, why not  
24   retain all the things that Senator Ducheny, and J.J., and  
25   some of the other people have been concerned about, the



1 individual cultures, the particular knowledge and expertise,  
2 and still have the coordinated effort, so that you can bring  
3 everybody together, so you don't have the Park Rangers going  
4 home, or the firefighter not being used when you really need  
5 him.

6           You can procedurally do that with communications  
7 and training, without structurally changing the  
8 organization. Did you look at that at all?

9           CO-EXECUTIVE DIRECTOR GUTIERREZ: Well, that was  
10 certainly the opening option that we considered, but we  
11 added some more value to our thought process. We felt that  
12 there was a proliferation of activities that are falling  
13 under this sworn category, and that we actually identified a  
14 few and suggested they be reconsidered.

15           It's a growing cost to government. In the press,  
16 you constantly see references to the cost of retirement  
17 associated with safety and --

18           COMMISSIONER FRATES: Sure, right. But Chon,  
19 that's something that can be addressed by ascertaining which  
20 officers are, in fact, public safety officers, with the POST  
21 criteria and standards, which can be done in any one of a  
22 number of ways, and you still don't have to consolidate the  
23 whole enchilada to do that.

24           CO-EXECUTIVE DIRECTOR GUTIERREZ: I appreciate  
25 that point.

1 COMMISSION CO-CHAIRPERSON HAUCK: Okay, we're  
2 going to move on. Thank you, gentlemen.

3 We're going to move to our Panel, and would ask  
4 the Panelists, please, to come forward.

5 And just as an admonition to the Commission, I  
6 mean, we're way behind schedule here and we need to allot as  
7 much time as we can to public testimony.

8 Okay, I think you all probably have observed how  
9 we go about this process. I'd ask each of you to introduce  
10 yourselves, and identify your organization. And instead of  
11 the usual left to right, let's start from right to left. So  
12 we'll start with, is it Laurie?

13 PANEL MEMBER SMITH: Do I have the right, right?

14 My name is Laurie Smith, and I'm the Sheriff in  
15 Santa Clara County. And I'll be providing, today, my  
16 opinion, but also, I've solicited input from police chiefs  
17 and sheriffs around the State, and have received some of  
18 their comments.

19 But basically, it's my perspective of actually  
20 working in the Sheriff's Office for 31 years.

21 First of all, Commission Members, thank you for  
22 this opportunity.

23 I believe, in this area of public safety, our  
24 responsibility really goes beyond the role of government  
25 efficiency. In public safety we not only have increased

1 risks, but we also have different and greater threats.

2 As we saw on the federal level, organizational and  
3 structural failings contributed to the loss of lives.

4 We have the opportunity to make some dramatic  
5 changes in public safety and I applaud you, the Governor,  
6 and everyone else that's been involved in this process.

7 We can make these dramatic and positive changes  
8 only if we're willing to change the way we think and we're  
9 willing to change what we've become in law enforcement.

10 And the public has really already changed how they  
11 think. Years ago, if you had mentioned a plane crash,  
12 people would have thought of some kind of an accident but,  
13 now, people think of terrorism immediately, and the public  
14 really, really has changed.

15 And again, we have to be willing to change how we  
16 think.

17 Let me give a real small example. The term  
18 "mitigation" is used in disaster management quite often, and  
19 there's many, many different definitions for mitigation  
20 throughout State publications. Most of the time people  
21 think mitigation is earthquake resistant construction, fire  
22 alarms, or fire detectors, and things that are intended to  
23 mitigate and prevent the effects of an incident.

24 In the July 1st, of this year, State Mitigation  
25 Plan, they defined mitigation as "something that would

1   reduce or prevent injury and damage from natural disasters."

2               But I think mitigation is more than that. I think  
3   that mitigation is not only for natural disasters. The  
4   definition that I find most useful is that mitigation is  
5   defined as any action which seeks to reduce or eliminate  
6   risk to people and property. And so we really have to  
7   change our thinking on this. Mitigation needs to also  
8   include law enforcement's actions in preventing terrorists  
9   attacks, and protecting the public, and protecting people  
10   and property.

11              I mentioned earlier, we also have to change what  
12   we've become. In reading the report, I was really surprised  
13   to learn that ABC investigators are assigned to the  
14   California Anti-Terrorism Task Force, the FBI Joint  
15   Terrorism Task Force, and the U.S. Homeland Security Task  
16   Force.

17              And the reason that I was surprised is because  
18   these assignments are not in alignment with their adopted  
19   mission statements, that identify their role as to  
20   administer the provisions of the Alcohol Beverage Control  
21   Act. We have to be willing to change what we've become or  
22   realign responsibilities of the agency.

23              I believe, with respect to this report, that there  
24   needs to be a much more in depth analysis of the report.  
25   The new Department should not be created by merely moving

1 boxes or changing the State's organizational chart.

2 Based on the review of the report, I believe there  
3 needs to be more consideration given to the proposed  
4 organizational structure, and I'm primarily looking at the  
5 law enforcement and emergency services portion.

6 The organizational structure, as it's proposed,  
7 lacks clarity. The chart is in conflict with the narrative.  
8 There are functions in the narrative that are missing from  
9 the chart. There's duplicative placement of functions, and  
10 there's no defined command structure. The chart is  
11 confusing.

12 Additionally, agencies are not appropriately  
13 grouped based on their functions. But, more importantly, I  
14 think there's structural problems.

15 And here's how I would propose fixing the  
16 structural problems. I'm proposing four steps. The first  
17 step is we need to understand terms, there shouldn't be many  
18 different definitions for mitigation.

19 The question is, what does Homeland Security mean?  
20 Is that just law enforcement actions or is that also natural  
21 disasters?

22 Is emergency management, does it apply to criminal  
23 acts, along with natural disasters?

24 So we need to come up with definitions.

25 The second step is to delineate the State's

1 responsibilities. What's the role of the State? What are  
2 the mandated functions, desirable services? And then  
3 identify where there's gaps in services.

4 I'll be two more seconds. You know, I'm an  
5 elected official, and you know, holding up those signs, we  
6 just ignore them.

7 (Laughter.)

8 PANEL MEMBER SMITH: The third step is to analyze  
9 each agency, not for what they've become, but for what they  
10 should be. There needs to be a clear definition of  
11 jurisdiction, delineation of duties, alignment between their  
12 mission and their duties, and there needs to be an  
13 assessment, and value, and quality of the service.

14 Once this is done, then organize based on common  
15 purposes, organize the chart based on what they do.

16 Fourth and final step is to do the organizational  
17 structure based on responsibility and providing the best  
18 service.

19 I believe, working together, we'll be able to  
20 accomplish the Governor's goals, your goals, and we'll work  
21 towards a safer California.

22 Again, thanks for the opportunity. I apologize  
23 for the time.

24 COMMISSION CO-CHAIRPERSON HAUCK: Thank you,  
25 Laurie.

1 Jack.

2 PANEL MEMBER BLACKWELL: Good afternoon. My name  
3 is Jack Blackwell, I'm the Regional Forester for the U.S.  
4 Forest Service, for the California Region. I'm a career  
5 federal servant, 36 years of federal service.

6 Thank you for inviting me here today, it's an  
7 honor to address my concerns before you.

8 I endorse the overall effort, of course, of this  
9 Commission, and wish it the very best in trying to increase  
10 efficiencies.

11 I've got three issues I'd like to talk to you  
12 about. The first issue relates to the ability of the  
13 California Department of Forestry, and my agency, the U.S.  
14 Forest Service, to remain the effective leaders in wildland,  
15 community fire protection services in California.

16 This is a critical issue to me. As the Regional  
17 Forester for California, I'm responsible for the management  
18 of 20 percent of this State's land base. On a daily basis,  
19 I deal with California's complex fire protection needs.  
20 This is both around communities and in other wildland areas,  
21 encompassing the 18 National Forests within the State.

22 Our key partner in this is the California  
23 Department of Forestry and Protection, who have even greater  
24 fire protection responsibilities within the State.

25 Your report outlines the key elements of emergency

1 management, response, preparedness, recovery, and hazard  
2 mitigation.

3 I'd like to underscore for you that CDF and the  
4 Forest Service continue to lead the finest wildland fire  
5 protection organizations in the world. Together, we've led  
6 a multi-agency organization that accomplishes all of your  
7 key elements.

8 I remind the Commission how effectively  
9 California's wildland firefighters performed here, in  
10 Southern California, last fall.

11 For years we've worked together to achieve an  
12 inter-agency wildland fire suppression organization that is  
13 a model for the rest of the nation.

14 But it has become abundantly clear that the fire  
15 suppression job in California is not going to be won or lost  
16 with more people and equipment to respond to fire  
17 emergencies. Ultimately, success depends on treating fuels  
18 and reintroducing fire to play its traditional role in  
19 maintaining forests in healthy conditions.

20 If CDF is fragmented into two divisions, I am  
21 strongly concerned that fire suppression might become the  
22 dominant consideration, at the expense of failing to deal  
23 with the root cause of the problem, which is too much fuel.

24 For the last several years CDF and Forest Service  
25 have also been leading a new effort to help organize



1 community fire protection plans for the wildlands of  
2 California. This work is based on the California Fire Plan,  
3 the National Fire Plan, and the recently passed Healthy  
4 Forest Restoration Act.

5 More than 125 community-based fire plans are under  
6 development today, thanks in part to work by CDF, and my  
7 agency specialists, in fire suppression, vegetative  
8 management, and landscape analysis. Yet, we know that over  
9 1,200 communities within the State are threatened by  
10 wildfire.

11 My second issue is that I'm deeply concerned that  
12 changes to CDF could reduce or eliminate the ability of CDF  
13 to help lead community fire protection planning work. It  
14 seems to me that we need to ensure that local CDF units are  
15 not only staffed with personnel who can fight fire, but also  
16 that have the capacity to lead and provide technical support  
17 for local community fire protection plans, conduct other  
18 pre-fire resource planning, and participate in post-fire  
19 recovery assessments.

20 I can tell you that my agency, the Forest Service,  
21 does not have sufficient staff to fill the void if CDF loses  
22 its capacity to support community fire planning. If CDF  
23 does not retain this ability, community fire protection  
24 planning will suffer statewide.

25 My third issue concerns the national leadership

1 role played by the Director of CDF. That individual also  
2 has the title of State Forester of California. Together,  
3 with his other counterparts, in the National Association of  
4 State Foresters, he helps set national policy in broad  
5 forestry and fire suppression management.

6 In addition, the State Forester and his key staff  
7 participate on national committees that determine the  
8 distribution of federal forestry dollars to the states.  
9 These include dollars for projects as diverse as dealing  
10 with sudden oak death, to Cooperative Forest Health  
11 Protection Unit funds.

12 This funding goes up and down from year to year,  
13 but has averaged between \$10 and \$15 million of this federal  
14 money that CDF returns to the State of California.

15 I'm strongly concerned that if CDF were fragmented  
16 into two organizations, it would not be clear which one  
17 would participate in helping the National Association of  
18 State Foresters to conduct this important work. The State  
19 may have to send two different people to these important  
20 national meetings, and either way I suspect the prestige of  
21 the State of California would suffer if these changes were  
22 made.

23 I hope you'll report that we greatly value our  
24 strong partnership with CDF, and I wish you the very, very  
25 best of luck in proceeding with these difficult issues.

1 Thank you.

2 COMMISSION CO-CHAIRPERSON KOZBERG: Dave.

3 PANEL MEMBER CARLSON: Thank you. Good afternoon.

4 My name is Dave Carlson, Fire Chief of the City of  
5 Riverside. I am here representing the 1,100 members of the  
6 California Fire Chiefs Association and the California  
7 Metropolitan Fire Chiefs Association, which represent the 11  
8 largest cities in the State.

9 We appreciate your willingness to hear our  
10 viewpoint today. We're excited about the changes in the  
11 California Performance Review report and committed to a  
12 higher level of accountability and efficiency for our State.

13 We support PS 101, creating the Department of  
14 Public Safety and Homeland Security. This consolidated  
15 effort can improve communication and coordination of  
16 emergency services.

17 In order to be effective, however, it must have a  
18 unified command structure and it must be utilized, a balance  
19 between law enforcement and other emergency services must be  
20 maintained.

21 We believe PS 03, creating a Division of Fire  
22 Protection and Emergency Management, will provide a  
23 framework to manage disasters better in the State. Nearly  
24 all the disasters occurring in California are managed by a  
25 combination of agencies listed under the creation of the

1 Division of Fire Protection and Emergency Management.

2 We are very encouraged by the fact that the EMS  
3 Agency, EMSA, is also brought under that umbrella.

4 We do have some questions, however. The process  
5 identified in PS 10, establishing a contingency fund for the  
6 Director of Office of Emergency Services, is a smart,  
7 proactive public policy and it ensures funds will be  
8 available in an emergency.

9 However, currently, you have a Governor's Office  
10 Of Emergency Services that encompasses fire and police  
11 sections; what happens to that? How come we're not using  
12 that, rather than creating a new bureaucracy?

13 The major area of concern we have with the CPR  
14 report is in the infrastructure area. Frankly, we're a  
15 little surprised the California Fire Chiefs Association was  
16 not contacted prior to the development of the CPR report.

17 We believe several suggested changes in the report  
18 will actually hurt public safety in our State. If enacted,  
19 they will severely limit the input of the Fire Service in  
20 influencing safety codes in California.

21 One specific area of concern is chapter four,  
22 Infrastructure INF 26, building standards adoption reform.  
23 Last year, the Building Standards Commission voted to adopt  
24 model building and fire codes developed by the National Fire  
25 Protection Association, NFPA, as the basis for statewide

1 building and fire safety codes in California.

2           Your report states that these codes were adopted  
3 amid heavy opposition and very little support. This is  
4 completely untrue. NFPA codes were supported by both the  
5 California Fire Chiefs Association and the California  
6 Metropolitan Fire Chiefs Association, along with many other  
7 organizations. Neither Cal Chiefs, nor Metro Chiefs, were  
8 contacted by CPR staff for input about the State's decision  
9 to select the NFPA codes. Instead, it looks like staff only  
10 talked to people who were opposed to the NFPA codes.

11           The reason California Fire Chiefs Association  
12 supported the NFPA codes was because NFPA supports the Fire  
13 Service, and other first responders, more effectively than  
14 other code developers. Their codes are developed by  
15 consensus and include people from industry. In contrast,  
16 some other codes are evaluated and adopted only by local  
17 code enforcement officials. We don't think this is a  
18 correct process.

19           Another important issue is that NFPA investigates  
20 major fires and issues that occur in California and  
21 throughout the nation.

22           Apart from the code issue, we have some other  
23 concerns. The report recommends the elimination of the  
24 Office of the State Fire Marshall, and State Board of Fire  
25 Services, and the Fire and Life Safety Advisory Board. This

1 would actually eliminate the ability of the members of the  
2 Fire Service to affect decisions about California safety.

3           Actually, we think most Californians would want to  
4 know firefighters, fire marshalls, prevention officers, and  
5 fire chiefs have a say in safety codes in California.

6           These are the only organizations, the ones that  
7 I'd previously mentioned, that have a strong and consistent  
8 resource for fire agencies. They provide a forum for local  
9 government fire agencies to provide input to the following  
10 areas: the mutual aid and resource usage, development and  
11 enforcement of state laws related to assembly occupancies  
12 and related businesses which, by the way, are inspected and  
13 enforced by local agencies, not by the State; statewide  
14 training, and education, and certification for the Fire  
15 Service; we do not have a POST, the State Fire Marshall's  
16 Office is our POST certification process, fire and arson  
17 investigation, and the incident reporting process.

18           There is a serious problem with this area right  
19 now, since it had been transferred into the Department of  
20 Forestry and Fire Protection. And it is no fault of theirs,  
21 the State Fire Marshall's Office was transferred without  
22 proper funding. That needs to be addressed.

23           We hope that you will accept our point of view  
24 from the Fire Service, in the preceding comments, and  
25 include us in the discussions of the future implementation

1 and any recommendations of the CPR report.

2 Thank you.

3 PANEL MEMBER BARCELONA: Good afternoon, I'm a  
4 Special Agent, Department of Justice, and I'm President of  
5 CAUSE, Statewide Law Enforcement Association.

6 It's many of our groups, our troops, that will be  
7 proposed to be moved into this new reorg. And although we  
8 are encouraged at the Commission's recommendations, we are  
9 concerned about impact on our troops.

10 And after hearing the gentleman just prior to my  
11 coming up here, I don't think that they even know what's  
12 going to happen and how it's going to happen with the moving  
13 of these people into this new Homeland Security.

14 I heard a comment that they would be blended at  
15 some point, and that does cause great concern because some  
16 of these people have years and years of training and  
17 experience in that specific field, and they chose that field  
18 as their career. And although they support the country, and  
19 support the Governor and, you know, the citizens of this  
20 State in moving, they're probably going to be quite  
21 concerned about the career choice that they may have made  
22 here for the last 15 or 20 years, and they may not want to  
23 simply blend and do something else.

24 Having been a police officer for about 24 years,  
25 myself, I know for a fact, coming from a uniformed job at

1 first, and moving into plain clothes, that you can cross-  
2 train people. But some of these jobs are so specific and so  
3 special that you literally need a professional that knows  
4 how to investigate those types of crimes and deals with  
5 those types of individuals on a regular basis. I don't know  
6 that you can have them running and doing different things.

7           So having said that, we're just very concerned on  
8 how this would happen. And I'm even more concerned after  
9 hearing the folks that put this together, they don't even  
10 seem to know.

11           I'll briefly address the sections. In PS 2, we  
12 support the creation of the Division of Law Enforcement.  
13 Currently, these peace officers, the biggest problems stem  
14 from their supervision and management of non-law enforcement  
15 personnel, with little or no public safety. We've had that  
16 for a great deal of time. We've had accountants, and  
17 doctors, et cetera, command our police officers and they've  
18 made some serious mistakes.

19           So we welcome a straight line of supervision of  
20 peace officers.

21           PS 2-B and C, we believe that the State should  
22 include additional State-employed peace officers in the  
23 Division of Law Enforcement. We also have concerns over the  
24 issues of seniority, right to transfer, training of these  
25 peace officers that would move into these classifications.



1 PS 6-A seeks to reclass social services  
2 investigators to nonsworn, based on what we believe is  
3 misinformation. The troops tell me, the investigators in  
4 the field tell me that the Commission received their  
5 information from a training and development nonsworn chief,  
6 someone who had never been a police officer before.

7 Just a quick point is that POST approved this  
8 position over 25 years ago, and these people have been  
9 performing peace officer jobs. Investigators there make  
10 multiple arrests, both on the licensees and with the  
11 unlicensed facilities as well. They write search warrants  
12 on a regular basis, they serve search warrants on the  
13 unlicensed facilities and make those arrests.

14 If they lose their peace officer powers, we're  
15 looking at them losing their access to the databases in  
16 CLETS, Soundexes, and driving records from people, homicide  
17 reports, autopsy reports, and then the local cooperation of  
18 the local police officers, as well.

19 PS 6-B, we believe that the Commissioner of the  
20 Division should make the decisions.

21 PS 6-C, the State already has vast authority over  
22 staffing. We would suggest that if the Division of Law  
23 Enforcement is developed, that the State includes all  
24 investigators and peace officers who were not specifically  
25 mentioned in the report, statutory language should be

1 changed to uniformly list these officers as State  
2 investigators and peace officers under Chapter 4.5, of the  
3 Penal Code, commencing with Section 830.

4 Thank you.

5 COMMISSION CO-CHAIRPERSON HAUCK: Nancy.

6 PANEL MEMBER O'MALLEY: Good afternoon. I'm  
7 Nancy O'Malley, I'm the Chief Assistant District Attorney in  
8 Alameda County, but I come to you this afternoon as someone  
9 who has spent her entire adult life working in Victim  
10 Services.

11 In 1977, I started as a Rape Crisis Advocate.  
12 I've done work with battered women, as an advocate and, in  
13 the last several years as a prosecutor, with a focus on  
14 prosecuting crimes against -- promoting victims' rights and  
15 prosecuting the crimes against victims.

16 I also serve in the capacity of working quite  
17 closely with the victim service providers around the State,  
18 that includes different coalitions. And so in that regard I  
19 come to you today, to address PS 4, PS 4-A, of which I  
20 support, and to address the concerns I have with PS 13.  
21 And I'm here, specifically, to talk about victim services  
22 and the Division of Victim Services.

23 The mission of an Office of Victim Services is, or  
24 should be, to promote partnerships among victim services and  
25 victim service providers to achieve that safe state, to make

1 people safe in their own communities and in their own homes.

2 But implicit in that Office of Public Safety and  
3 Homeland Security is perpetrator accountability, without  
4 sacrificing any safety issues, the needs, or the services  
5 provided to victims of crime.

6 But more importantly, the Office of Public Safety  
7 and Homeland Security, of which the Division of Victim  
8 Services would be a part, would promote collaboration,  
9 without giving up independence of the agencies that provide  
10 services to victims.

11 And I can tell you that law enforcement and the  
12 criminal justice system is a better place today, and there  
13 are better people working in it because of the role of  
14 victim advocates working closely with law enforcement, and  
15 the prosecution, and other criminal justice agencies.

16 We, in California, are the oldest, comprehensive,  
17 progressive victim service providers in the United States.  
18 The first Rape Crisis Center was formed in 1973, in  
19 Berkeley, California. The first Victim Witness Center was  
20 formed in 1974, in Alameda County. My office, I'm proud to  
21 say.

22 Today, there are 84 Rape Crisis Centers, there are  
23 120 Battered Women's Agencies, there are 58 Victim Witness  
24 Centers in California, all focused on providing victim  
25 services to victims of crime.

1           Additionally, there are the four statewide  
2     coalitions, and this is the place where creating one Office  
3     of Victim Services will help to create a more efficient and  
4     streamlined process for victims.

5           The four coalitions involve the Rape Crisis,  
6     CALCASA, two coalitions that represent domestic violence,  
7     and that is CAADV, and SCCBW, as well as the Victim Witness  
8     Coordinating Council.

9           All four of these agencies coordinate their own  
10    victim service agents and all receive funds through the  
11    State.

12          Combined the C-Centers and Agencies are providing  
13    services to hundreds of thousands of victims of crime. And  
14    what those services involve are intervention services,  
15    prevention services, response and treatment, as well as  
16    accessing restitution.

17          The services that exist today are not integrated  
18    and they are not collaborated. And who suffers from that  
19    lack of collaboration or that lack of cohesiveness? Who  
20    suffers from that are the victims.

21          What we have to do is we've got to create an  
22    environment where the professionals are working together, so  
23    that the victims are not the ones who suffer from gaps in  
24    services. So that the victims are not the ones who suffer  
25    from territorial issues that might arise. The victims are

1 not the ones who suffer from funding streams that come with  
2 different regulations and rules, that come with different  
3 cycles, that come with different people administering them.

4 And what we've seen, over the last couple of  
5 years, particularly with the dismantlement of the Office of  
6 Criminal Justice Planning, is how severely victims have been  
7 negatively impacted by our lack of coordination and  
8 comprehensive services and, more importantly, by our lack of  
9 working together.

10 We must all strive to have those services be  
11 comprehensive and seamless, as victims of crime move towards  
12 closure and move towards healing. And that is irrespective  
13 of whether or not the perpetrator's ever apprehended. That  
14 is irrespective of whether or not the perpetrator is  
15 prosecuted. And whether or not the victim, frankly, chooses  
16 to participate in the criminal justice system, or not.  
17 Particularly irrespective of which victim service agency is  
18 providing the service.

19 In order to achieve the goal of comprehensive,  
20 seamless services for victims, one Office or Division of  
21 Victim Services will bring those allied agencies closer  
22 together, in a closer working relationship, and will provide  
23 the institutional nexus that is needed between the victim  
24 service providers, as well as law enforcement, and the  
25 criminal justice system, when those cases are involved with

1 the criminal justice system.

2 By creating that Division of Victim Services,  
3 California will once again be a leader in moving victim's  
4 services into the more progressive environment, so that  
5 victims are the ones who will benefit from the  
6 collaboration, and the cooperation, and the comprehensive  
7 services that are provided.

8 I will just end with saying that with respect to  
9 4-A and 4-B, the recommendation is that 4-A create the  
10 Division, 4-B only has some victim service agencies being  
11 incorporated into that Division of Victim Safety, and I  
12 think that's a mistake. It should be if there's an agency  
13 or a funding stream that is providing victim services, they  
14 should be under the Division of Victim Services.

15 And with respect to victims' compensation and  
16 moving victim witnesses over there, restitution is only one  
17 aspect of what the victim witness assistance does. And  
18 restitution, frankly, for a victim, which is one form of  
19 victim service, should be in the Division, in my opinion, in  
20 the Division of Victim Services, as opposed to pulling out a  
21 Victim Service Agency and putting them in a separate  
22 organization that has different funding and, once again,  
23 starts to separate and disjoin the services.

24 Ultimately, and lastly, any transition of creating  
25 an Office of Victim Services must be done with sufficient

1 planning, and with a seamless transition, so the victims of  
2 the services are not the ones who ultimately suffer by a  
3 lack of services because we're not prepared to move as  
4 quickly as we are.

5 Thank you.

6 COMMISSION CO-CHAIRPERSON HAUCK: I think we can  
7 all agree with that.

8 Okay, Steve, and then Pat, and then we need to  
9 move on.

10 COMMISSIONER OLSEN: A question for Sheriff Smith  
11 and Chief Carlson. If there were a major natural disaster  
12 in Santa Clara County and, Chief, if you were asked to  
13 provide mutual aid, and you sent your units up to Santa  
14 Clara County, are your radio systems interoperable? Do you  
15 know the answer to that?

16 PANEL MEMBER CARLSON: We would be interoperable  
17 with local fire agencies, yes. I'm not sure what their law  
18 enforcement's situation is up there, but we would have  
19 Clamars, and we have programmable radios.

20 PANEL MEMBER SMITH: And fire and law enforcement  
21 mutual aid work very, very well statewide, it's a  
22 functioning system that's really good.

23 In Santa Clara County, we have achieved radio  
24 interoperability for all the law enforcement agencies, which  
25 is huge for a county our size. And now we're going to data

1 interoperability. But I think that it's a role the State  
2 should take on.

3 COMMISSIONER OLSEN: I mean, I raise this question  
4 because there is a recommendation elsewhere in the report,  
5 that you haven't addressed, that talks about radio  
6 interoperability. And I think it may be more of a problem  
7 for State public safety agencies. And I'm just wondering if  
8 there is really an issue that needs to be developed, in  
9 terms of a local/State cooperation.

10 PANEL MEMBER: I actually think it's something  
11 that the State should take on, and so local entities can  
12 take advantage of it, because it is hugely costly when you  
13 do it fragmented, like it's being done around the State.  
14 But we needed radio interoperability in our county.

15 COMMISSION CO-CHAIRPERSON HAUCK: Pat.

16 COMMISSIONER DANDO: Thank you. Well, actually,  
17 that was going to be the heart of my question. I have to  
18 speak a bit jaded, as an elected official from the third  
19 largest city in the State of California. But I think that  
20 cities and towns across the nation are beginning to wonder,  
21 when all is said and done, and all of our Homeland Security  
22 money has been disbursed across this country, what will we,  
23 as locals, be able to expect?

24 And I have to say that I was also a little bit  
25 concerned with the first presentation, and we ran out of



1 time and I wasn't able to ask the question. I would hope  
2 that rather than using the federal model for our own  
3 Homeland Security, that we raise our bar higher. And, quite  
4 frankly, I'm not sure of who is in charge and what the  
5 expectation of the local should be.

6 Number one, from my perspective, it should be  
7 interoperability. Not just with law enforcement, but with  
8 law enforcement, with fire, and with medical.

9 Because regardless of whether we have a natural  
10 disaster, a manmade disaster, the first thing is we have to  
11 be able to communicate with each other.

12 And so I guess my question was, and would have  
13 been to the first panel is, are you convinced that what we  
14 see here today will give the people of California the  
15 confidence to know that we will have a regional plan across  
16 this State, so that in the event of a disaster we'll be able  
17 to take care of ourselves, at the very least through  
18 communication?

19 PANEL MEMBER CARLSON: I'm not sure what  
20 communication you're talking about? If you're talking about  
21 the communication of things coming down through the system,  
22 or are you talking about radio communications?

23 COMMISSIONER DANDO: No, I'm talking about real  
24 life and death communication. For instance, we, in Santa  
25 Clara County, suffered one of the largest structural fires

1 that California has seen, about a year ago, and one of the  
2 reasons was that we weren't able to communicate with the  
3 various individuals that were trying to fight the fire.

4 Take that one step further, and if there is some  
5 terrorist act, or a plane crash, or a natural disaster, how  
6 do we communicate with police, with fire, and with medical,  
7 as well as with our community? Who establishes the plan?

8 PANEL MEMBER CARLSON: At this point, my feeling  
9 has been the Office of Emergency Services and, primarily,  
10 they coordinate the efforts throughout the State.

11 And the problem has been that, you know, many of  
12 the things that occur in the State are primarily fire or an  
13 emergency service type related issue, other than maybe going  
14 to a riot, or something like that, so that all the agencies  
15 are working together.

16 And I feel the State of California is doing an  
17 outstanding job. We go back to Washington quite often, our  
18 department is one of the Urban Search and Rescue Teams, and  
19 they're always looking at us as to how we do things out  
20 here.

21 That isn't to say that we couldn't do better. But  
22 every local area or region in the State has communication  
23 plans. And I think it could be better between law  
24 enforcement and fire, and that's what our comments were with  
25 regard to this process.

1 I'm not sure that it's the end all or that it's  
2 even been thought through well enough. As I said, nobody  
3 from, in my opinion, fire, has even been talked to about  
4 this whole process.

5 COMMISSIONER DANDO: And that's the point, I think  
6 it's maybe Sheriff Smith said is we have to think in a  
7 different way. And what would have been appropriate prior  
8 to 9/11 isn't appropriate today.

9 PANEL MEMBER SMITH: May I add also that  
10 communication is one thing, I think that the State should  
11 take a more active role. And again, in Santa Clara, we do  
12 have fire, law enforcement, and medical, we all work very  
13 closely together, and I think we've spent our Homeland  
14 Security money wisely.

15 The biggest problem that I see with this, now, is  
16 there will be a huge communication problem, given this  
17 organizational structure that's being proposed, and that  
18 means person-to-person communication. With OES being  
19 separated so far from law enforcement, and more allied with  
20 fire, is a major problem.

21 And again, we need to identify roles, and that's  
22 something that I think would really hinder us acting in a  
23 disaster, to have this kind of a structure.

24 COMMISSIONER DANDO: I agree.

25 COMMISSION CO-CHAIRPERSON HAUCK: Okay, folks,

1 thank you very much, we appreciate the insights.

2 We're now going to move to the public testimony  
3 portion of our meeting. I think the ground rules are pretty  
4 clear. I want to ask Joanne to make a couple of points  
5 before we begin.

6 COMMISSION CO-CHAIRPERSON KOZBERG: Yeah. All of  
7 the comments we hope will be related to CPR. If they are  
8 not, we do have an ombudsman, Errol, who is standing down  
9 below, from Consumer Affairs, who will help you on whatever  
10 your issue is. And in particular, Gina Wagner and Laura  
11 Koepke, from Big Bear, I think that this gentleman can help  
12 you, directly.

13 We will be trying to focus on a variety of issues,  
14 so that we have many issues represented, and we will be  
15 giving priority to those individuals who have not yet had an  
16 opportunity to speak.

17 You are welcome to e-mail or send your testimony  
18 up to the CPR Commission, and we will have somebody there to  
19 give you the e-mail address, they're sitting at the desk,  
20 outside.

21 And for those Commissioners that don't have planes  
22 or other commitments, we will be going longer today, to try  
23 and accommodate public testimony, so all of those that can  
24 stay beyond four o'clock, we would welcome that. Thank you.

25 COMMISSION CO-CHAIRPERSON HAUCK: Okay, the way we

1 do this is I'm going to call the first person, and then four  
2 people beyond that first person, is Larry Silverman. Each  
3 person has three minutes. The next is Dr. Ray Johnson, and  
4 then Joe Bader, Bob Wolf, and Cassandra Elston.

5 So we'll start with Larry.

6 MR. SILVERMAN: Yes, thank you. Good afternoon.

7 I'm Larry Silverman, the Vice President of the Los Angeles  
8 County Child Support Attorneys Association.

9 I wish to address recommendation SSH 03, which  
10 recommends the phased contracting out of the Child Support  
11 Services Department.

12 In the CPR report it's noted that counties are not  
13 maximizing federal incentives and are not cost effective.  
14 One of the stated reasons for the Child Support Enforcement  
15 Program's removal from the local District Attorney's  
16 Offices, just a few years ago, was the belief the DA's  
17 offices were too law enforcement oriented. There was a  
18 desire to make the new local child support agencies more  
19 human service oriented.

20 Since its creation, the new State Department of  
21 Child Support Services has placed its primary focus on  
22 improving customer service. Rather than focusing primary  
23 attention on the five federal performance measures for which  
24 the State receives federal incentives, or on collecting more  
25 child support, the State adopted new programs and enhanced

1 others that are not federally mandated. Programs have added  
2 cost and have lowered the State's cost effectiveness.

3 These programs include a program to compromise  
4 government debt, a complaint resolution program, a State  
5 hearing process, and a court facilitator system.

6 The State has approved millions of dollars to fund  
7 these programs. Meanwhile, county requests for additional  
8 staff to collect support has consistently been rejected.

9 It's a credit to the local child support agencies  
10 that in this environment performance has improved.

11 The CPR should critically evaluate the benefit of  
12 these non-federally mandated functions. By removing all  
13 non-mandated programs, the Child Support Enforcement Program  
14 could save more than the \$29 million projected in HHS 003.

15 Additionally, the institution of programs, such as  
16 statewide real property liens, the statewide implementation  
17 of a program like Sacramento County's 40-D Health Insurance  
18 Program, and contracting out of closed cases with debt  
19 that's assigned to the State, and has been closed under  
20 State regulation, could result in significant savings and  
21 added revenue to the State.

22 By focusing on a joint mission, we believe we can  
23 move forward without contracting out.

24 The Los Angeles Child Support Attorneys  
25 Association looks forward to working with the Commission to

1 improving child support enforcement, finding ways to  
2 increase TANIF recruitment, reduce medical costs, draw down  
3 increased federal incentives, and increase child support  
4 paid to families.

5 Thank you.

6 COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you,  
7 Larry.

8 Dr. Johnson.

9 DR. JOHNSON: Thank you for the opportunity to  
10 address the Commission regarding the findings and  
11 recommendations contained in chapter five, regarding the  
12 placement of Emergency Medical Services Authority into the  
13 Department of Homeland Security and Public Safety.

14 I've practiced the specialty of emergency medicine  
15 for over 20 years and have a long history of emergency  
16 medical services involved, both on a day-to-day basis, and  
17 as a member and past Chairman of the Voluntary Commission on  
18 Emergency Medical Services.

19 I'm here, today, representing the California  
20 Medical Association, the California Healthcare Association,  
21 the California Chapter of the American College of Emergency  
22 Physicians, the Emergency Medical Services Administrators  
23 Association of California, the Emergency Medical Directors  
24 Association of California, and the State Council of  
25 Emergency Nurses Association, and the California Poison

1 Control System.

2 The testimony I am presenting today is a  
3 collective opinion of these organizations.

4 We all recognize and are most appreciative of the  
5 work of the California Performance Review Commission, and we  
6 think it's important to continue in their efforts to  
7 restructure California by combining and streamlining the  
8 massive State bureaucracy. We agree that restructuring of  
9 State government is necessary and some revisions in the  
10 Emergency Medical Services Authority may be beneficial.

11 Specifically, the Terrorist Operational Disaster  
12 aspects, assigned to the Emergency Medical Services  
13 Authority, could be reassigned to the Public Safety and  
14 Homeland Security Department, which would allow for a strong  
15 cross-agency link to be established, that would ensure that  
16 EMS personnel have a well-coordinated role as first  
17 responders.

18 However, the primary mission of EMS personnel is  
19 to provide a day-to-day healthcare for patients. This  
20 healthcare is provided through basic medical training, and  
21 consists of accurate medical evaluation, intervention, when  
22 necessary, and transport of the ill and injured in a timely  
23 manner.

24 We believe that this primary mission could be  
25 compromised if the Emergency Medical Services Authority is



1 repositioned in the Department of Public Safety and Homeland  
2 Security.

3           We further recommend that the EMS Authority  
4 continue in its role in disaster planning and preparedness  
5 for not so uncommon events, such as epidemics involving West  
6 Nile, vehicular trauma, especially mass vehicular trauma,  
7 and things like influenza.

8           The Emergency Medical Services Authority should  
9 remain an independent entity under the authority of the  
10 Health and Human Services. The Emergency Medical Services  
11 Authority has a long-standing independent department under  
12 Health and Human Services because of its necessity for  
13 timely creation of regulations and standards.

14           Furthermore, the Authority is first and foremost a  
15 medical and clinical State entity. The need for medical  
16 control of pre-hospital care and trauma issues is critical  
17 to the well-being, and accountability, and effectiveness of  
18 California emergency care.

19           I will conclude just by saying that it's indeed  
20 unusual for all the agencies, I represent today, to  
21 collectively agree. However, we do collectively agree that  
22 the Emergency Medical Services Authority should remain an  
23 independent department under Health and Human Services.

24           Terrorism has forced us to rethink the role of EMS  
25 personnel as first responders, but we must not lose the

1 sight of the day-to-day mission of caring for patients. We  
2 believe the diverse issues of the Emergency Medical Services  
3 Authority must be protected and balanced. Any effort to  
4 restructure the Agency would divert the necessary attention  
5 away from the emergency medical services and into other  
6 issues and agendas.

7 Thank you for your attention on this important  
8 issue.

9 COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you,  
10 Dr. Johnson.

11 Joe Bader.

12 MR. BADER: Thank you very much. My name is Joe  
13 Bader, I'm the Regional Administrator for the Union of  
14 American Physicians and Dentists, we represent the  
15 approximately 600 doctors that work for the California State  
16 Prison System, as well as doctors that work for other State  
17 agencies.

18 I'm here to speak against the recommendations of  
19 the report which calls pretty much for the wholesale  
20 contracting out of the healthcare operation in the  
21 Department of Corrections in order to save money or to  
22 improve the accountability and efficiency.

23 Dr. Drake this morning, however, testified that  
24 the University of California is not interested in directly  
25 providing services, contracting to provide services in the

1 prison or at UC facilities, so that part of the report, I  
2 guess, that recommended that, is not apparently dead in the  
3 water, which I think is appropriate, since the University of  
4 California is not a particularly cost-efficient entity, and  
5 the doctors and nurses from the University of California,  
6 who might come to work in the prisons, anyway, I think would  
7 be there for, oh, about a day or two before they fled, given  
8 the conditions that exist in the prison medical system now.

9 I'm going to give you an example of the absurdity  
10 of how the Department of Corrections operates its healthcare  
11 system and how they treat the doctors. At the California  
12 Medical Facility, at Vacaville, it's jointly run by the  
13 Department of Corrections and the Department of Mental  
14 Health.

15 It's my understanding that our doctors on the  
16 Corrections side, up there, are not provided computers by  
17 the Department of Corrections to do the latest medical  
18 research, which is fairly standard in the field, but the  
19 Department of Mental Health doctors are.

20 So the Department of Corrections doctors have to  
21 run over, maybe in the middle of the night, to the Mental  
22 Health side, to use their computers to do research, because  
23 Corrections won't pay for it.

24 This is a problem that you don't have to contract  
25 the operation, the whole kit and caboodle in order to make

1 it better, you just need better management, and you need  
2 better resources, and higher pay for the people to recruit  
3 there, and then you will improve the services and cut down  
4 on the lawsuits.

5 Thank you.

6 COMMISSION CO-CHAIRPERSON HAUCK: Okay, Joe, thank  
7 you.

8 Bob Wolf.

9 MR. WOLF: Hello, my name's Bob Wolf, I'm  
10 President of CDF Firefighters Local 2881, we represent the  
11 over 5,000 men and women who work for the Department of  
12 Forestry and Fire Protection.

13 As I speak today, we're combating wildland fires  
14 and responding to emergencies in communities throughout the  
15 State of California.

16 CDF responds to over 300,000 emergency responses a  
17 year, of every type, from hazardous materials, wildland  
18 fires, structural fires, vehicle accidents, and medical  
19 emergencies.

20 CDF Firefighters supports the concept of the  
21 California Performance Review, and we appreciate the efforts  
22 of the Commissioners, and everyone involved that brought us  
23 here, today.

24 CDF Firefighters has written legislation, in the  
25 past, that supports reform of government, specific to fire

1 protection in California and the State of California.

2           Unfortunately, we were extremely disappointed that  
3 the previous leadership of our department, CDF, did not make  
4 themselves available to discuss or suggest reforms within  
5 CPR. The fact that our Department was not present, and the  
6 lack of its involvement is clearly evident in this document.  
7 At the time, the Office of Emergency Services and other  
8 entities had steady access, and direct access to CPR.

9           Specifically, under some of your recommendations,  
10 under PS 01, we generally support this concept. We believe  
11 that you should establish a Division of Fire Protection and  
12 Emergency Management. You should designate minimum  
13 qualifications proposed for at least one of the two Deputy  
14 Secretaries, as proposed under PS 01. We believe that that  
15 person should have experience in managing a large fire  
16 agency.

17           We also ask that you maintain the integrity of the  
18 total force concept by maintaining resource management  
19 within CDF's fire protection system.

20           We also, under PS 03, support and designate that  
21 the Director of the Division of Fire Protection and  
22 Emergency Management also have, clearly, experience in  
23 dealing with a large fire service agency, and specific  
24 criteria be developed for that position.

25           We propose merging the Office of Traffic Safety

1 into the Division of Highway Patrol. We believe that would  
2 be a more effective place for it to be.

3 We also oppose PS 09. We believe the creation of  
4 a separate emergency fund for the Office of Emergency  
5 Services is redundant. Currently, CDF has an emergency fund  
6 that could be moved into the Department of Public Safety and  
7 used by all agencies, including OES.

8 In addition, under PS 10, we believe that this  
9 entire process could be done better if more input is sought  
10 from fire agencies, including the Department of Forestry and  
11 Fire Protection, and that we be allowed to work with you  
12 later. And we're excited about this opportunity and we wish  
13 you well.

14 Thank you.

15 COMMISSION CO-CHAIRPERSON HAUCK: Thanks, a lot.

16 Cassandra Elston. And while she's coming to the  
17 microphone, the next in line, Dr. Frank Pratt, Deborah Snow,  
18 Sandy Genis, G-e-n-i-s, Jon Hamm, and Susan Parconi, if she  
19 is here.

20 So, Cassandra.

21 MS. ELSTON: Good afternoon. My name's Cassandra  
22 Elston, I work at Folsom State Prison. I've worked for the  
23 Department for eight years. And I'm representing medical  
24 and social service technicians, specialists, and  
25 practitioners, who are committed to providing timely and

1 quality care, and education to the patients and students.

2 First of all, we are pleased that the former  
3 Governor Deukmejian's report suggests some positive and long  
4 overdue changes in policy, in both Corrections and DPA, such  
5 as updated job classifications, a more competitive salary  
6 structure, commitment to recruiting and retaining the best  
7 and the brightest, eliminating bad policies, such as blanket  
8 hiring freezes.

9 Unfortunately, with respect to some of the other  
10 proposals, the cure will be worse than the disease.

11 For example, the first legislative recommendation  
12 in the report would effectively remove the members of  
13 Bargaining Units 20 and 17 from civil service.

14 Do we really want to go back to the days of  
15 politics, political payoffs, and cronyism, and some  
16 disregard for health services that lead to lawsuits in the  
17 first place?

18 We have already lodged a complaint about a  
19 continuing harassment one of the members has experienced for  
20 expressing his concerns to Special Master John Haggard. We  
21 fear that such harassment will only grow worse if our  
22 members lose the Silver Service protection.

23 We are so deeply concerned that recommendations in  
24 the Deukmejian report to outsource healthcare services will  
25 only exacerbate contract abuse and increase State liability.

1           Contracting out is more costly, creates potential  
2 safety and security concerns, and compromises the quality of  
3 continuity of healthcare.

4           Such as the Department of Corrections has charged  
5 a private prison in Southern California with  
6 misappropriating more than a million dollars.

7           Second, inadequate staffing by contract healthcare  
8 providers in Yolo County Jail leads to a lawsuit of over  
9 \$840,000.

10          Why do we continue to tolerate this exorbitant  
11 waste of tax dollar money, and in the name of outsourcing,  
12 when we need to rely more on dedicated and trained State  
13 employees who can do the job more cheaply and better?

14          As the critical recommendations about the future  
15 of Corrections are debated over the next months, we look  
16 forward to working with the Administration and the  
17 Legislature to achieve a positive result.

18          Thank you.

19          COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you,  
20 Cassandra.

21          Dr. Frank Pratt.

22          DR. PRATT: Good afternoon, Commissioners, thank  
23 you very much for this opportunity.

24          My comments relate to the recommendation to  
25 dissolve the Heart Disease and Stroke Prevention Task Force.



1 I'm representing the Western States Affiliate of the  
2 American Heart Association.

3 My perspective is that of a practicing emergency  
4 physician, who was seeing patients until 1:30 this morning,  
5 the Medical Director of a large, urban fire department, and  
6 someone who's had a stroke.

7 Heart disease and stroke are the number one and  
8 number three causes of death and disability in our State.  
9 The costs, direct and indirect, amount to \$14.2 billion per  
10 year in our State.

11 Regrettably, the epidemic of childhood diabetes  
12 will only magnify the concerns related to stroke and heart  
13 disease in the future. This problem is not going away, it  
14 is growing larger.

15 For the first time, public health experts are  
16 thinking about the possibility that our children, our youth  
17 will have a lifespan that is less than that of our own.

18 This will be the first time this would have  
19 occurred in the history of our country.

20 The Heart Disease and Stroke Prevention Task  
21 Force, created by AB 1220, is supported entirely by private  
22 funding. There are no taxpayer dollars to support this Task  
23 Force. This private funding is a mandate of the  
24 legislation. The Heart Disease and Stroke Prevention Task  
25 Force will lead the development of a State Master Plan on

1 prevention of heart disease and stroke, which would allow us  
2 access to \$1 million from the Centers for Disease Control.

3           These dollars would come into our State and fund  
4 prevention and treatment programs for obesity, heart  
5 disease, and stroke prevention. They would also fund  
6 programs for community cardiopulmonary resuscitation  
7 education.

8           We cannot ignore the number one killer in our  
9 State. The American Heart Association appreciates your  
10 careful reconsideration of this recommendation, which we  
11 strongly oppose. We request your support to maintain this  
12 important Task Force.

13           Thank you.

14           COMMISSION CO-CHAIRPERSON HAUCK: Okay, Doctor,  
15 thank you.

16           Deborah Snow.

17           MS. SNOW: Hi, I'm Deborah Snow, I'm just a  
18 Citizen of California. As this Commission seeks to  
19 streamline California bureaucracy, I would like to request  
20 it turn some attention to the California Board of  
21 Chiropractic Examiners. My experience with this Board began  
22 in 1997, when I filed a serious complaint against a  
23 chiropractor. I was told they didn't like to refer  
24 complaints to investigation without hard proof or witnesses,  
25 because their investigators cost them \$90 an hour. I was

1 asked if I could obtain statements from the witnesses,  
2 myself.

3 At their conclusion, I was informed that they did  
4 not see enough proof to see my complaint to investigation,  
5 but they assured me the chiropractor would receive a stern,  
6 written warning. I didn't pursue this further, since I  
7 believed them.

8 I finally received a copy of this purported  
9 warning, only to find this Board told the chiropractor that  
10 they understood I had misconstrued his behavior. Not only  
11 did they not do a proper investigation, but they also lied,  
12 which took away any other options I might have pursued.

13 It's apparent they had no qualms in allowing  
14 predatory and unethical chiropractors to continue their  
15 practice.

16 When I asked the Board's Executive Director, Kim  
17 Smith, who to contact about the handling of my complaint, I  
18 was surprised the Board answers to no one but the Governor.  
19 I believe this is a major factor in their lack of  
20 accountability to the public.

21 There is confusion, even among the Governor's  
22 staff, as to whom the Chiropractic Board is accountable. On  
23 one occasion, Constituent Affairs sent my letter, expressing  
24 my concerns, to the Department of Consumer Affairs,  
25 believing they were over this Board.

1           Mr. James Bowls, of Consumer Affairs, confirmed  
2   that they were not.

3           This summer, I left material concerning this at  
4   the Capitol, to be given the Governor's Legislative Staff.  
5   This material was sent to the State and Consumer Services  
6   Agency, as his staff believed that this Agency was over the  
7   Chiropractic Board. Again, it was confirmed that they were  
8   not.

9           Since the Governor is, in essence, the only one  
10   over this Board, they have no oversight. Since how much  
11   time does the Governor have to listen to citizen complaints  
12   against California Boards, why is this Agency exempt from  
13   any oversight.

14          Although there can be no resolution of my original  
15   complaint, I'm concerned for the thousands of other patients  
16   who may be experiencing the same lack of protection. At the  
17   very least, our Chiropractic Board should have an agency  
18   directly over them to have the time to provide oversight.

19          Please, either consider combining them with the  
20   General State Medical Board, or put them under the  
21   Department of Consumer Affairs, as everyone seems to believe  
22   they already are.

23          As Governor Schwarzenegger strives to improve the  
24   State of California, I'm hopeful that he, and this  
25   Commission, will put California in a leadership position of

1 chiropractic reform.

2 Thank you.

3 COMMISSION CO-CHAIRPERSON HAUCK: Thank you.

4 Sandy Genis.

5 MS. GENIS: I would like to address infrastructure  
6 resources and process. First of all, we need to update the  
7 State General Plan. That was last done when Ronald Reagan  
8 was in office as Governor.

9 As an environmental professional, I was  
10 disappointed that the CPR report seemed to contain a fair  
11 amount of gratuitous CEQA bashing, as well as  
12 recommendations that don't generally reflect a clear  
13 understanding or much hands-on experience with CEQA.

14 Infrastructure section 35 represents that  
15 fulfillment of requirements of NEPA and CEQA together is  
16 very confusing and burdensome when, in fact, typically you  
17 provide one document for everything, there's about an extra  
18 half-page of stuff you have to do, and it's not that tough.

19 There is a recommendation that environmental  
20 review begin early in the process. CEQA already requires  
21 that that be done as early as possible. I don't know what  
22 we do to make people do that, but that's a very important  
23 recommendation.

24 2-A, under Infrastructure 35, suggests more  
25 technical assistance to local government. There's a huge

1 need for that. I would also suggest that OPR coordinate  
2 CEQA documents for the State, as a whole. The quality of  
3 documents provided by various agencies is highly uneven.  
4 Some are great, some are pathetic.

5           There's an Infrastructure recommendation 37-A  
6 suggests a carte blanche CEQA exemption for INFEL,  
7 consistent with the General Plan. This is already provided  
8 under section 21083.3, and PRC section 21157, which allow a  
9 previously certified environmental document, provided that  
10 it already addresses the impacts.

11           The problem here is the degree of specificity. I  
12 would hate to see local governments burdened with having to  
13 do walk-overs for habitat on every single site, whether or  
14 not there was a reasonable expectation that they would be  
15 developed within the horizon of the General Plan.

16           Resources section 19 says that the August 2003  
17 guidelines amendments should be enacted.

18           Unfortunately, the August 2003 proposal had many  
19 of the similar flaws of the 1998 amendments, that were  
20 dumped in court. They have been scaled back, however.

21           Uniform mitigation standards. There's a false  
22 premise here that CEQA requires developers to provide  
23 replacement habitat or dedicate land, offset damage.  
24 There's a confusion between Endangered Species and CEQA. In  
25 any case, this would eliminate the local control that we

1 currently have. CEQA's designed to reflect local values.

2 And also, as far as the process, I really believe  
3 that this would be more efficient if you broke yourselves  
4 into separate commissions, and had one do hearings on  
5 resources, one do hearings on infrastructure, and took  
6 comment that way, because I don't see all of you having time  
7 to read all four volumes, plus thousands of pages of public  
8 testimony, and everything. I admire you, if you do.

9 And I do believe that the process is not conducive  
10 to inclusion of the public, and it's both the substance and  
11 the process of the CPR. Too many recommendations suggest  
12 eliminating public boards and opportunity for public  
13 comment. It was suggested that these be replaced with  
14 volunteer advisory boards. Well, with all due respect, the  
15 first thing I picture is a box feeding directly into a  
16 shredder.

17 Please provide more than just a parody of public  
18 participation and do not streamline the public out. Thank  
19 you.

20 (Applause.)

21 COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you.

22 John Hamm.

23 MR. HAMM: I'm John Hamm, I'm with the California  
24 Association of Highway Patrolmen, the CEO for that  
25 organization. We represent CHP officers statewide. We have

1 a very strong interest in what is being proposed,  
2 particularly with the Department of Public Safety and  
3 Homeland Security.

4 We have had a long history, the CAHP actually  
5 predates the Department. It was the California Association  
6 of Highway Patrol's efforts, legislatively, that actually  
7 introduced legislation to form the California Highway  
8 Patrol, so we existed before the Department ever existed.

9 I commend CPR's efforts to try to streamline  
10 government, to attempt to eliminate bureaucracy and  
11 consolidate, and coordinate State agencies. It's a large  
12 task at hand.

13 Because of time constraints, I'm going to limit  
14 myself to only a few examples we have with the proposals  
15 before you.

16 These proposals will dramatically affect all our  
17 members, statewide, and we'd love to have you seriously  
18 consider the impact that this will have on our members.

19 On the face, creating a Department of Public  
20 Safety and Homeland Security would appear to make sense and  
21 would likely have public appeal. Certainly, in this day and  
22 age of potential and likely terrorist acts, the coordination  
23 of entities responsible for public safety is critical, and  
24 we fully support and encourage those efforts.

25 However, the California Highway Patrol currently



1 falls under the purview of the Business, Transportation, and  
2 Housing Agency. Moving the CHP to the new Department of  
3 Public Safety, as a super-department, would likely improve  
4 law enforcement coordination at the expense of  
5 transportation coordination.

6 The efficient and safe flow of traffic is looming,  
7 it's an increasingly more significant problem every day.

8 Of tantamount concern to us is the proposal to  
9 reduce the Department to a Division. What happens to the  
10 identity of the CHP? The CHP has been viewed, worldwide, as  
11 a leading law enforcement organization. The policies they  
12 implement, the training they have, the procedures and the  
13 structure that they have put in place is often copycatted  
14 from around the world.

15 We would ask that you consider what will happen to  
16 the CHP's ability to provide those type of policies and  
17 training.

18 Another portion of the report deals with  
19 eliminating our parity statute. CHP has a parity statute in  
20 the Government Code that's been around for 30 years. That  
21 parity statute has only actually been met twice in the 30  
22 years that it's existed.

23 Mr. Dunn reported, earlier, that he was appalled  
24 at the conversation of State employees. This is an historic  
25 problem, and the reason an organization, such as ours,

1   pursued a parity statute.

2               Why this is in this report, I'm not sure, but we  
3   certainly have strong concerns about reducing or eliminating  
4   that benefit.

5               COMMISSION CO-CHAIRPERSON HAUCK:  Thank you, Jon.

6               Is Susan Parceni here?

7               Okay, Salvador Gushorn.  And then after him, Glen  
8   Fait, Olin King, Andy Caron, and Dr. Ruth Wilson-Gilmore.

9               Salvador.

10              MR. GUSHORN:  Good afternoon. I'm Salvador  
11   Gushorn.  I've been a lifeguard for about 20 years, and for  
12   10 years I've been a State Park Peace Officer, and currently  
13   serve as the President of the State Park Peace Officer's  
14   Association.

15              So I kind of appreciate the comments of the  
16   Commission about rangers and lifeguards, and how involved  
17   their duties are as peace officers.

18              I do have concerns about creating this new law  
19   enforcement agency, as stated before, how the transition's  
20   going to take place.  But I am also concerned about the  
21   training aspects, the communication aspects that have been  
22   talked about with the speakers.  And also, just the  
23   statewide system of how it works.

24              So without any further comments, I'm clearly  
25   interested to see how this is going to evolve and wish to

1 participate in all I can.

2 Thank you.

3 COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you,  
4 Salvador.

5 Glen.

6 MR. FAIT: Thank you. I'm sure your eyes are  
7 glazing over by this time, I appreciate your endurance.

8 My name is Glen Fait. I'm Associate Dean for  
9 University of the Pacific's McGeorge School of Law, and for  
10 the past 15 years have served as the Director of the  
11 California Special Education Hearing Office.

12 During that 15-year period, through a series of  
13 competitive procurements, we have developed a model system  
14 of special education dispute resolution, which is being  
15 emulated in other States, which results in the settlement of  
16 95 percent of the disputes submitted to us without hearing,  
17 and we have an unparalleled record of our decisions being  
18 upheld on appeal to the court.

19 I'm here today in opposition to a rather strange  
20 proposal in the CPR. It's strange because it's the only  
21 proposal that I know of that directly attacks an individual  
22 contract, ours. That is ETV 13, which proposes to shift  
23 this program to the Office of Administrative Hearings.

24 I think this might be in there partially because  
25 during the last competitive procurement there were only two

1 bidders, us, a private university, and the Office of  
2 Administrative Hearings, a public agency.

3           The independent evaluators, who evaluated these  
4 proposals, disqualified the proposal of the Office of  
5 Administrative Hearings as not being properly responsive to  
6 the request for a proposal, and awarded the contract for us.

7           We hope that this process will not be used to  
8 overturn a competitive procurement.

9           Now, the recommendations of the CPR are based upon  
10 two justifications. Both of those justifications are based  
11 upon misstatements of fact, rather gross ones, I might add,  
12 and I hope that this Commission finds some way to correct  
13 clear misstatements of fact that are contained in that  
14 report.

15           The first justification is that by shifting this  
16 process to the Office of Administrative Hearings, it will be  
17 more convenient to the parents and school administrators who  
18 have to attend mediations and hearings. They can go to one  
19 of the four OAH offices, rather than going to Sacramento to  
20 have their mediations and hearings.

21           This, of course, is ludicrous. State and federal  
22 law requires the hearings to be held in locations convenient  
23 to the parents of disabled children. We hold our hearings  
24 in thousands of locations throughout the State, usually in  
25 local school district facilities.

1           The second justification is that this would save  
2 money, again based upon a misstatement of facts. They state  
3 that last year's program, our cost was \$11 million, that OAH  
4 could do it for \$10,450,000, a \$550,000 savings.

5           The fact of the matter is, the contract for last  
6 year was for \$9,338,000. So using the logic of the author  
7 of this proposal, and the correct information, it would  
8 appear that it would cost taxpayers an additional \$1,100,000  
9 to shift this to the Office of Administrative Hearings.

10           I ask that you not allow this process to be used  
11 to overturn a fair, competitive procurement.

12           Thank you.

13           COMMISSION CO-CHAIRPERSON HAUCK: Thank you, Glen.

14           Olin King.

15           MR. KING: Thank you, Mr. Chairman, Members of the  
16 Commission. My name is Olin King, and I'm the Vice  
17 President of the Association of California State  
18 Supervisors. We represent the excluded employees involved  
19 in State government.

20           My remarks, today, are directed strictly toward  
21 partnerships with respect to the functions that you have  
22 been focusing on.

23           I think that the underlying aim here, of the  
24 Commission, and as much as your task is a very noble one,  
25 the underlying aim is to create efficiency in government,

1    which translates into economic development and economic  
2    growth.

3                So at the end of the day, if you're not able to  
4    achieve greater efficiency, which will tend to provide  
5    greater economic growth and economic development, your  
6    efforts will be for naught.

7                I suggest that you take a very good look at  
8    coordination, when it comes to the working of government,  
9    education, and industry.  It's very ironic that with the  
10   tremendous educational structure that we have in this  
11   country, and this State, that we have to extend the H-2  
12   visas to allow companies to go abroad to get qualified  
13   individuals to man industry.

14               So with the tremendous educational infrastructure,  
15   it seems very paradoxical that we should have to do this and  
16   rely on other countries to supply qualified individuals to  
17   run our industries.

18               So I think that it's incumbent upon you to take a  
19   very good look at government, industry, and education, and  
20   how they're able to work together to meet the present and  
21   future needs of businesses.

22               I happen to belong to an Industry Education  
23   Council, which is a voluntary organization, and some years I  
24   served as President of the San Gabriel Valley Industry  
25   Education Council.  We were a volunteer group, and there was

1 also a statewide group that was involved in the same kinds  
2 of activities.

3 And we were very successful in our local efforts  
4 to get government, and businesses, and education to work  
5 together to focus on the needs of businesses, and how best  
6 these three entities can work together to provide the work  
7 force that will be able to satisfy the needs of businesses  
8 and eventually contribute to the economic growth, not only  
9 of the State, but of the country.

10 So I would urge you to look very carefully at this  
11 issue and try to come up with some initiatives that would  
12 provide for the meaningful working together of these  
13 entities to achieve economic growth in the State.

14 Thank you.

15 COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you,  
16 Olin.

17 Andy Coran.

18 MR. HSIA-CORAN: It's actually Andy Hsia-Coran,  
19 and I am the Chair of the Bargaining Team that represents  
20 the teachers in the prisons and the other State agencies.

21 I've taught at Soledad Prison for 20 years,  
22 developed a curriculum that turned out a cohort that had no  
23 reoffenders, and been amazed over these years that  
24 essentially we have set off in the wrong direction in the  
25 prison system, and we have gotten there.

1           Your report, that you reviewed, said we were once  
2 the jewel of the world, and we had their attention, and now  
3 I compare us to the maggot on the trash can lid. We still  
4 have the attention of the world, but it's for our failures.  
5 And it's not because we didn't know what we were doing.

6           You don't get from being the jewel of the world to  
7 being a system that has 70 percent recidivism, without  
8 essentially setting off in that direction.

9           I applaud Governor Deukmejian for realizing that  
10 the system went off in the wrong direction, it proves  
11 rehabilitation is possible, and it's good, better late than  
12 never. It's time for us all to look at the consequences of  
13 designing a prison system that has not been based on sending  
14 people back out safer to our communities than when they came  
15 in. There is no conflict between punishment and  
16 rehabilitation.

17           George Deukmejian's Director, Jim Roland, said I'm  
18 for punishment, I want to punish each and every one of these  
19 individuals and give them a lifetime of working, taking care  
20 of his family, and paying taxes like the rest of us. And  
21 other states do that.

22           We need to sit down and say, if we believe that we  
23 can set up a system to keep people out, we ought to look at  
24 the best practices in other states that are doing it, in  
25 other countries that are doing it.



1           We need to have a structure. If we're going to  
2 talk about an education system, I highly recommend that you  
3 look at AB 1914, by Cindy Montanez, where she does set up a  
4 similar kind of advisory board. The concerns about it being  
5 a political kind of board, that board is set up with a  
6 number of different people picking the folks who will be  
7 there.

8           If you don't actually have somebody in charge of  
9 determining a better outcome, you won't get it.

10          Bad education in the prison system costs exactly  
11 as much as good education, and we need to be able to have  
12 those outside folks who can help us make that happen.

13          Thank you.

14          COMMISSION CO-CHAIRPERSON HAUCK: Okay, Andy,  
15 thank you.

16          Dr. Gilmore. And after Dr. Gilmore, Sara Feldman,  
17 Robyn Sherles, S-h-e-r-l-e-s, Richard Warne, Cindy Marie  
18 Absey, and Jake Heflin.

19          Dr. Gilmore.

20          DR. GILMORE: Thank you. My name is Ruth Wilson  
21 Gilmore. I am an Associate Professor at the University of  
22 Southern California.

23          I have been studying the California Department of  
24 Corrections for more than ten years, and I currently am a  
25 member of two coalitions, statewide coalitions here. One is

1 the Coalition for Effective Public Safety, that includes  
2 Local 1000 of CSEA, the SEIU, and a number of law  
3 enforcement, public agencies, prisoner support  
4 organizations, and others.

5 I am, as well, a member of the Californians United  
6 for a Responsible Budget, which established a shadow  
7 commission in order to perhaps entertain some of the input  
8 and observations that the California Performance Review  
9 Commission has not been able to hear over the last several  
10 months that you have been meeting.

11 I would like to reiterate what my colleague, Andy  
12 Hsia-Coran said a moment ago, and that is to say the  
13 deprivation of liberty is punishment. So we don't have an  
14 either/or between punishment and rehabilitation. Going to  
15 prison is punishment, and everyone who's given a kid time  
16 out knows this. Everyone who's been sent to his room knows  
17 this.

18 Then the question is, how do we make the best use  
19 of time once people are sent away and locked down for some  
20 period of their lives?

21 We know that, as former Governor Deukmejian said,  
22 there is a mindset of custody control that pervades the  
23 California Department of Corrections, as well as the Youth  
24 Authority. This mindset did not come out of the blue but,  
25 really, is the result of one, the Determinate Sentencing Act

1 of 1977, but two, more so the expansion of the California  
2 Department of Corrections since 1983. Since 1983, the  
3 purpose of the system has been only incapacitation.

4 What can we do about this? We can remember that  
5 all crime peaked in this State in 1980. Not 1994, not 2000.  
6 In 1980.

7 Two, that as Jerry Powers, and also the Sheriff,  
8 who is a member of the Commission said, the front door is  
9 the door to block, not the back door.

10 Three, education, emotional support and employment  
11 are the secret to nonreturning.

12 And four, there is no causal relation -- I will  
13 repeat, no causal relation between a bigger proportion of a  
14 population locked up and lower crime in that community.

15 Toward the goal of realizing the kinds of outcomes  
16 that we require in this State, I urge the State to adopt the  
17 Performance Review Recommendation to open the CDC to  
18 research. This is another way to provide transparency.  
19 Open the CDC to research in order to enhance the speed and  
20 effectiveness with which people can be released to  
21 communities that will welcome them, employ them, care for  
22 them and, importantly, be cared for by them.

23 Thank you.

24 COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you.

25 Sara Feldman.

1 MS. FELDMAN: Good afternoon. My name's Sara  
2 Feldman, I'm the Southern California Director for the  
3 California State Parks Foundation, we are the nonprofit  
4 partner of California State Parks, and I'm here, speaking on  
5 behalf of our 50,000 members statewide.

6 Along with everybody else here, I'd like to thank  
7 the Commission for their work and say how encouraged I am by  
8 the efforts to help streamline our government.

9 We very much appreciate the issues raised in PS  
10 01, PS 02, and chapter five, but we do oppose the  
11 integration of the rangers, the lifeguards, and the  
12 superintendents into the new Department of Homeland  
13 Security, because we don't think it will actually get you  
14 where you want to go, and the effects on the Department of  
15 Parks and Recreation will be truly devastating.

16 And by direct correspondence, the effects upon the  
17 citizens of this State, 80 million of whom visit State parks  
18 every year, will be equally as devastating.

19 As has been mentioned before, really, rangers,  
20 lifeguards, and superintendents are generalists. The work  
21 that they do, in addition to law support, is not  
22 inconsequential. It comprises, on average, approximately 75  
23 percent of their work. On average, about 25 percent of  
24 their work is law enforcement.

25 They provide education, they provide natural

1 resources conservation and management. They save drowning  
2 children. They do extremely valuable community outreach and  
3 public interaction. Everybody knows the rangers, in their  
4 brown uniforms, and what they do for the public, when the  
5 public comes to the parks.

6           The cost of replacing that 77 percent of needed  
7 work is estimated at 35 to 40 million dollars, 35 to 40  
8 million dollars to replace what would be lost if that entire  
9 classification left the Department of Parks and Recreation.  
10 The alternative would be simply to close parks, because  
11 there would be no staff, whatsoever, left to run them.

12           These classifications comprise approximately half  
13 of the Department's staff.

14           Very briefly, in my little time left, I'd just  
15 like to point out that additional costs associated with this  
16 proposal are not sufficiently analyzed, training, reduced  
17 services, leading to reduced revenue produced by the State  
18 Parks.

19           There also doesn't seem to be a full understanding  
20 of the historical context that led to rangers being peace  
21 officers. It really came from -- okay, well, I've been  
22 asked to stop. But I'll just mention, really briefly, that  
23 field supervision would also be entirely removed at the  
24 district, and the sector, and superintendent level, and  
25 there would be no ability to train or promote from within.

1           So it's an extremely serious impact and we urge  
2   you to reconsider that proposal. Thank you.

3           COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you,  
4   Sara.

5           Robyn Sherles. Correct me, here.

6           MS. SHERLES: You're correct. Good afternoon. My  
7   name is Robyn Sherles, I'm a Correctional Supervising Cook  
8   at Mule Creek State Prison, in Ione. I've been a State  
9   government employee for about 11 years. And I'm Chair of  
10   Bargaining Unit 15, which represents janitors, food service  
11   personnel, seamers, and laundry workers in the Department of  
12   Corrections and the Youth Authority.

13          The Deukmejian report calls for restoring  
14   accountability and ethics to our State Correction System.  
15   It recommends that staff be able to speak without fear of  
16   retribution. It emphasizes that only by reducing the number  
17   of prisoners and parolees can we fix the system. We  
18   couldn't agree more.

19          Unfortunately, the specifics of the Deukmejian  
20   recommendations too often fall short of their lofty goals.

21          For example, why should we take self-discipline  
22   out of the hands of SPB and give it to the department?  
23   Staff would have no recourse if false charges were filed.  
24   That would be like a fox guarding the chicken coop, in my  
25   opinion.

1           While the report talks about greater  
2   accountability, it does not even mention food services,  
3   which is a great, big chunk of Corrections' budget, nor does  
4   it mention the overpayments to food service vendors.

5           Surely, our taxpayer money could be better used.

6           We also need a thorough review of food and  
7   equipment purchases to determine if the procedures that we  
8   currently use could be more efficient and bought more  
9   cheaply.

10          The Deukmejian report also picks up the cry for  
11   outsourcing. That seems to be the underlying source and  
12   theme of the entire California Performance Review.

13          Well, I'm here to tell you that outsourcing would  
14   not work where I work, because being a food vendor at Staple  
15   Center would not be the same as being a food vendor at  
16   Folsom State Prison.

17          A contracted work force is simply not trained to  
18   deal with an inmate population. Why would you train  
19   taxpayers' money to train new workers to do the job that's  
20   already being efficiently done by us.

21          Thankfully, after analyzing a proposal to  
22   outsource, earlier this year, the Department of Corrections  
23   recommended against contracting out food services. But we  
24   know that the ideological pressure for outsourcing will  
25   continue.

1           So on behalf of the working men and women in  
2   Corrections, we will continue to fight it.

3           Finally, I can't emphasize how strong food service  
4   is to the Department of Corrections. As you know, food is  
5   one of the most important things for inmates. So if their  
6   food is not prepared right, or the nutritional values are  
7   changed, as they have been, with a healthy menu, it could  
8   lead to disturbances and riots.

9           So we want to make our prisons more safe and more  
10   secure. We hope that we will be able to keep our jobs and  
11   that they will not be contracted out. We're proud to be  
12   performing these jobs and we will continue to do so.

13          Thank you.

14          COMMISSION CO-CHAIRPERSON HAUCK: Okay, Robyn,  
15   thank you.

16          Richard Warne.

17          MR. WARNE: My name is Richard Warne, I'm the City  
18   Manager for the City of Coalinga. And we have Pleasant  
19   Valley State Prison within the city limits, and we also  
20   operate a Community Correctional Facility, under contract  
21   with the California Department of Corrections.

22          And I'm here, today, to address the  
23   recommendations of the Commission regarding the renewal of  
24   contracts with entities outside the 32 prisons that are  
25   currently operated by the State.



1           The way the system is currently set up, these  
2 private entities operate four to five prisons, and then  
3 there are four cities that operate prisons under contract  
4 with the California Department of Corrections. These cities  
5 are Adelanto, Coalinga, Delano, Shafter, and Taft.

6           These Community Correctional Facilities house  
7 level one prisoners, level two prisoners, and soft level  
8 three prisoners.

9           The City of Coalinga entered into a contract, in  
10 1991, to provide these services to the Department of  
11 Corrections.

12           The City of Coalinga is able to house a level one,  
13 level two, or level three prisoner for \$11,528 less than a  
14 level one, level two, or level three prisoner in a prison  
15 operated by the California Department of Corrections.

16           We save the State of California over \$4 million  
17 per year.

18           In addition to that, we also reduce overcrowding.  
19 Currently, the Department of Corrections has begun triple  
20 bunking in gyms, and they are also in the process of housing  
21 inmates in dining rooms.

22           Today, we could take another 50 prisoners in the  
23 City of Coalinga, without increasing the overhead cost to  
24 our community or to the Department of Corrections.  
25 We could save, today, \$576,400, if they would just send us

1 50 more prisoners.

2 In addition to that, our facility could house,  
3 because of its size, another 200 prisoners, and we could  
4 save the State, today, \$2,305,600.

5 In addition to that, because we operate the  
6 prison, we also put the inmates to work. Ninety-seven  
7 percent of all the inmates that are in the Claremont Custody  
8 Facility, in the City of Coalinga, are employed. We have  
9 the highest employment rate in the State of California. We  
10 have them employed on our public works crews, we have them  
11 employed in the animal shelter. We've used them to help  
12 construct parks. We've used them to repair city vehicles,  
13 including police cars, ambulances, and fire vehicles. We  
14 also use them to recycle and separate recycle materials that  
15 we sell.

16 I guess the point that I'm trying to make is the  
17 things that they talk about, rehabilitation, training  
18 prisoners, helping them prepare for the outside world are  
19 currently being done. But our problem is this, and then  
20 I'll conclude, is that the California Department of  
21 Corrections has been hostile to Community Correctional  
22 Facilities. And we ask for your support, because we can  
23 save the State a lot of money, at the same time help prepare  
24 prisoners for the outside world.

25 Thank you.

1 COMMISSION CO-CHAIRPERSON HAUCK: Thank you.  
2 Cindy.

3 MS. ABSEY: Good afternoon. My name is Cindy  
4 Marie Absey, and I've worked with crime victims for over 20  
5 years, and I direct the San Luis Obispo County Victim  
6 Witness Assistance Center, and I'm here representing one of  
7 the coalitions that Nancy O'Malley mentioned, the Victim  
8 Witness Coordinating Council.

9 And as you might have surmised, I'm here to speak  
10 to the CPR recommendations regarding victim services in  
11 California.

12 We do recognize and truly appreciate the efforts  
13 that went into the report and the time that the Commission  
14 has taken to review the report, and hear all the speakers.  
15 We know that it's a big task.

16 And we do applaud the efforts in the  
17 recommendations to consolidate victim services in  
18 California. Having done this job for a really long time, I,  
19 and many of my colleagues, have seen that the fragmentation  
20 of the services has not benefitted victims, and it's  
21 resulted in a great deal of divisiveness between victim  
22 service providers.

23 I can assure you there's plenty of work to do, so  
24 the divisiveness has not helped anyone, and certainly not  
25 our crime victims. So we do support the consolidation of

1 victim services in California.

2 That takes me to Public Safety 13, regarding the  
3 combination of administrations of the Victim Compensation  
4 Program and the Victim Witness Assistance Centers.

5 We have a number of serious concerns about this  
6 recommendation. Primarily, and this was touched on already,  
7 Victim Witness Centers provide a wide variety of services to  
8 crime victims. In fact, most of our services, only one of  
9 all our services mandated by law, only one out of 14  
10 pertains to crime victim compensation claims, the vast  
11 majority, have to do with advocacy with victims around law  
12 enforcement and the criminal justice system.

13 I've spent hundreds upon hundreds of hours with  
14 crime victims, and most of those hours have been with  
15 prosecutors, and in court, and on the phone, talking about  
16 what's happened with the crime.

17 And so we have multiple concerns about PS 13.  
18 We're not sure that those concerns can be overcome. Of  
19 course, we partner with the Victim Compensation Program, to  
20 provide victim compensation. It's a most valuable service,  
21 and we will continue to do that.

22 But we do encourage that you dialogue with Victim  
23 Witness Centers to ensure that that piece of the  
24 recommendation is really looked at closely, and analyzed to  
25 best serve crime victims.

1 Thank you.

2 COMMISSION CO-CHAIRPERSON HAUCK: Okay, Cindy,  
3 thank you.

4 Jake Heflin. And after Jake, Nancy Fox, Judith  
5 Bourque, I hope that's close, Scott McDonald, Steve Ulrich,  
6 and John Rowe.

7 Nancy.

8 MR. HEFLIN: Hi, my name is Jake Heflin.

9 COMMISSION CO-CHAIRPERSON HAUCK: Oh, excuse me,  
10 I'm one ahead.

11 MR. HEFLIN: I'm a firefighter/paramedic here, in  
12 the City of Long Beach, as well as the CSFA Committee  
13 Chairman for Emergency Medical Services, which represents  
14 approximately 25,000 firefighters, both active, volunteer,  
15 and retired throughout the State of California.

16 The reason that I'm coming here to talk to you is,  
17 first of all, I'd like to commend the California Performance  
18 Review and the Commission for their efforts in recognizing  
19 the efficiency and effectiveness of coordinating all the  
20 emergency responders into one group.

21 The Fire Service, as a whole, believes that  
22 locating the MSA within the Fire and Emergency Management  
23 Division will work towards creating a more effective and  
24 coordinated California Public Safety System, while  
25 preserving and enhancing the mission of the MSA.

1           Since the events of September 11th, in New York,  
2   the increased level of threat has placed a significant  
3   responsibility on the shoulders of fire, EMS, and emergency  
4   management. This requires a significant need to streamline  
5   communication, and reduce redundancy, and service delivery,  
6   as well as obtaining State appropriations, grant  
7   applications, and other federal funding that would result in  
8   more efficiencies and an increase in dollars available to  
9   benefit all aspects of public safety, homeland security, and  
10   public health.

11           There's no longer an easily defined distinction  
12   between public health and public safety in protecting the  
13   citizens of California. The Department of Public Safety and  
14   Homeland Security is an agency with the best chance of  
15   integrating and coordinating public health and public safety  
16   concerns.

17           The Fire Service would like to suggest renaming  
18   the Division to the Division of Fire, EMS, and Emergency  
19   Management. This allows for a little bit more distinction  
20   on the emergency medical side of it, like the physicians  
21   would like to recommend.

22           This allows for a clear understanding of the roles  
23   and responsibilities that the Division assumes. With the  
24   integration of Fire, OES, EMS, and Homeland Security, this  
25   proposed model represents a more integrated planning

1 response and oversight system than California's current  
2 existing structure.

3 Having Fire, EMS, and Emergency Management  
4 functions under the control and direction of one division  
5 will provide enhanced medical and operational coordination  
6 at local, State, and federal levels.

7 We do believe that a strong and consistent medical  
8 oversight, providing both clinical and operational  
9 excellence is necessary within the EMS section of the  
10 division.

11 A medical director must be identified and should  
12 have direct reporting authority to the Commissioner level.

13 In regards to the California Performance Review's  
14 recommendations to discontinue the California State EMS  
15 Commission, the California Fire Service believes that this  
16 is not in the best interest of the California EMS system.

17 The EMS Commission serves as a prominent group  
18 within California, that provides a multi-disciplinary review  
19 of California's EMS issues. Losing the Commission will  
20 result in a reduction of an effective source, in which  
21 stakeholders are allowed input in the State regulatory  
22 process pertaining to EMS.

23 If lost, the elimination of the EMS Commission  
24 would place full authority for the development of an  
25 implementation of regulations into the hands of an appointed

1 medical director.

2 This would eliminate a balanced system of checks  
3 and balances that currently exists today. Being that the  
4 Commission is voluntary and administered with existent staff  
5 at the State EMSA, discontinuing the Commission would  
6 provide minimal cost savings.

7 Should the Commission be discontinued, the  
8 California EMS system, as a whole, would suffer a  
9 significant loss.

10 In regards to EMSA, the core services provided by  
11 EMSA must continue. The statutory and regulatory  
12 responsibilities of the EMSA must continue. The E in EMS  
13 stands for emergency. Public safety represents what the  
14 State identifies as emergency services. Having EMS under  
15 Health and Human Services, is simply not the case for a  
16 seamless interagency interaction with regard to responding  
17 for California's need for a swift and coordinated response  
18 to potential acts of terrorism, natural disasters, and small  
19 incidents, whether it be fire or medical emergency that  
20 occur on the streets of our local cities on a daily basis.

21 Thank you.

22 COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you,  
23 Jake.

24 Nancy Fox.

25 MS. FOX: Good afternoon. I'm Nancy Fox, I'm the



1 Chief Operating Officer of the Museum of Latin American Art,  
2 right here in our own fair City of Long Beach.

3 But today, I'm representing the California  
4 Association of Museums, and I'm here to express our interest  
5 in the recommendations set forth in the CPR concerning the  
6 organization of the State's art and cultural agencies.

7 CAM is a nonprofit service organization  
8 representing the interests of the 1,300 diverse museums in  
9 California, from the historical societies to cultural  
10 centers, art museums, zoos, science centers, aquaria, and  
11 natural history museums.

12 CAM supports many of the goals outlined in the  
13 CPR, including making State agencies more efficient and  
14 creating a more cohesive organization. Museums and cultural  
15 organizations across the State work in conjunction with  
16 several important State agencies, including the new  
17 California Cultural and Historical Endowment, the California  
18 Arts Council, Parks and Recreation, the State Library on  
19 Archives, and the Travel and Tourism Commission.

20 In the current CPR report, it is proposed that  
21 these five agencies be spread out into four different  
22 departments. California Association of Museums is concerned  
23 that this proposed plan will be counter productive to the  
24 CPR's goal to create a less fragmented State government.

25 Other states have adopted a model that places

1 agencies that promote and support statewide art and cultural  
2 initiatives under one department.

3           For example, the Nevada Department of Cultural  
4 Affairs houses the Divisions of Museums and History, the  
5 State Library and Archives, the Nevada Arts Council, the  
6 State Historic Preservation Office and an Officer of the  
7 Director.

8           The New Mexico Department of Cultural Affairs,  
9 which was developed in the late seventies, has a primary  
10 purpose of preserving and promoting New Mexico's cultural  
11 treasures.

12           Similar state departments can be found in New  
13 Hampshire, Iowa, Florida, and Louisiana.

14           To summarize, the California Association of  
15 Museums believes that a model -- we believe a model, that  
16 would bring state, cultural, and art agencies together,  
17 under one department, would create a more cohesive and  
18 effective cultural agenda.

19           Furthermore, a Department of Cultural Affairs  
20 would be better equipped to assess the needs of California's  
21 cultural landscape and leverage their resources. The  
22 overall outcome would be a greater, more positive influence  
23 on California museums and cultural organizations, residents,  
24 and the 44 million out-of-state visitors to this dynamic  
25 State.

1           Thank you for your consideration of this  
2   recommendation and your efforts to improve the efficiency of  
3   State government.

4           I also want to mention that the California  
5   Association of Museums would be happy to provide any  
6   additional information you might require, and/or to  
7   participate in any future discussions on this topic.

8           Thank you.

9           COMMISSION CO-CHAIRPERSON HAUCK:   Okay, thank you,  
10   Nancy.

11          Judith, is it Bourque?

12          MS. BOURQUE:   It's Judith Bourque, but Bourque's  
13   nice, too.

14          Thank you for the opportunity to address you.   My  
15   comments will be general.   I am an employee of the State of  
16   California, in a Hearing Officer capacity, but I'm here, not  
17   to represent my agency, but to represent the State employees  
18   as a group, and as an individual member of a good State.

19          My concerns today, first of all, are for the  
20   flavor of the wording of the prescription for change that  
21   was put on the internet concerning the CPR.   Whether it's  
22   intended or not, the flavor seems to indicate to people that  
23   the problem that we're facing is all caused by poor customer  
24   service from State employees, in general.

25          I take issue with that emphasis, and the reason

1 for that is that, although employed consistently by one  
2 agency, I have twice, in my employment history, been loaned  
3 out to other agencies to help with overloads.

4 I always thought my agency was great, but I was  
5 amazed at the dedication and the hard work everywhere I went  
6 in the State of California.

7 State agency employees seem to attack a massive  
8 work load with a pretty good amount of care, consistency,  
9 and success. Even though there are some occasional  
10 complaints, particularly with Hearing Officers, we usually  
11 have two sides to a case, so 50 percent are going to win, 50  
12 percent are going to win and 50 percent are going to be  
13 unhappy.

14 It has been said in the report, or the preface to  
15 the report, that California has failed its people, but your  
16 objective is to recruit the best and brightest in the  
17 future. Well, I don't think we're going to get the best and  
18 brightest when each time there is a budget crisis or a  
19 change in this State we seem to place the blame on the  
20 workers, themselves, and put their own reputations and their  
21 jobs in jeopardy.

22 Fiscal problems of the present magnitude have been  
23 years in the making, and they are not necessarily caused by  
24 the workers. They must be addressed, but carefully and, I  
25 beg you, with even more investigation and time than you, as

1 this Panel, have been able to have up until now.

2 One other comment I want to make regards  
3 centralization of personnel functions. I found that the  
4 best and brightest that we have, and we have many in this  
5 State, they do their best work when the most of the  
6 responsibility and the control over them is lodged in the  
7 local supervisor or the presiding judge or hearing officer.

8 These people, I have met in these various  
9 agencies, working closely with their staff, and have had a  
10 great input in the hiring, and training, and all of  
11 decisions concerning the work environment of these people,  
12 have made an agency, which has given people an opportunity  
13 to be best equipped and successful in their programs.

14 I do believe that we must conclude --

15 COMMISSION CO-CHAIRPERSON HAUCK: Judith, you need  
16 to conclude.

17 MS. BOURQUE: Good government comes from good  
18 people. Not only the brightest and the best, but everyone  
19 who works for the State needs to feel confident and secure  
20 in their positions, so that they can attack their  
21 responsibilities with excitement and fervor.

22 Thank you.

23 COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you,  
24 Judith.

25 Scott McDonald.

1           MR. MC DONALD: Good afternoon. I appreciate the  
2 opportunity to address you this afternoon. I am here as a  
3 private citizen, and my name is Scott McDonald.

4           I am a registered professional forester, I am a  
5 peace officer, but most proudly I'm a firefighter.

6           CPR proposes to break up the California Department  
7 of Forestry and Fire Protection by splitting off Resource  
8 Management. I believe this would be a serious mistake.

9           All uniformed employees of CDF are trained as fire  
10 fighters, including the foresters. Like many other  
11 foresters, I serve on the command staff of one of CDF's ten  
12 incident command teams. Incident command teams manage the  
13 major incidents on State responsibility areas, such as  
14 wildfires, floods, et cetera.

15           CDF foresters work tens of thousands of hours each  
16 summer on wildfire suppression. So far, this year, I've  
17 been assigned on major fires approximately 600 hours.

18           In my career with CDF, I am responsible for  
19 preparing fuel hazard reduction projects on over 55,000  
20 acres. To prepare those projects, you have to be a  
21 registered professional forester to sign the environmental  
22 checklist and the prescribed burn plan. If the foresters  
23 are split from CDF, the fuels reduction projects will stop.

24           I urge you to recommend that CDF's Resource  
25 Management function and fire function stay intact.

1 Thank you very much.

2 COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you,  
3 Scott.

4 Steve Ulrich.

5 MR. ULRICH: Good afternoon, Co-Chairs and Members  
6 of the Commission. Thank you for the opportunity to be a  
7 part of the process to improve State government. I am Steve  
8 Ulrich, a game warden in the California Department of Fish  
9 and Game for the past eight years.

10 I also had the pleasure of serving on the Public  
11 Safety Team, at the California Performance Review.

12 I appear here today, representing myself, as a  
13 dedicated State employee, and also a citizen, who is  
14 interested in making California a safer place through more  
15 effective and responsive law enforcement.

16 Fish and game wardens exist in every state. They  
17 are known by several titles, depending on the state.  
18 Wardens, conservation officers, natural resource police, or  
19 state troopers. All are essentially the same, peace  
20 officers with the primary responsibility of protecting our  
21 natural resources.

22 To the lay person, it may seem intuitive that  
23 these officers be functionally assigned to the department in  
24 State government that oversees natural resource management.  
25 In past decades, this organization philosophy posed no

1 serious problems.

2 Today, law enforcement is in a much different  
3 place than it was in 1870, when the first game wardens were  
4 tasked with enforcing California's Conservation Laws.

5 I believe that placing game wardens within a  
6 professional law enforcement department will benefit the  
7 public, law enforcement, and the natural resources of the  
8 State.

9 The system of placing game wardens in a state  
10 police agency is not new. Oregon has had game wardens in  
11 their state police since 1934, and Alaska since 1973. Game  
12 wardens in those states do what game wardens do in other  
13 states, they just do it as part of the state's professional  
14 law enforcement arm. In this way, game wardens are patrol  
15 oriented and do not handle non-law enforcement situations,  
16 as has been done here, in California.

17 I have routinely been assigned duties and tasks  
18 that should have been assigned to non-law enforcement  
19 personnel. This takes me out of the field and puts me  
20 behind a desk. I'm basically doing work that the biologists  
21 are unable or unwilling to do.

22 Meanwhile, nobody is out doing my job when I am  
23 off duty or busy. Many of the specialized tasks I have been  
24 assigned are being done by non-sworn personnel, who earn a  
25 significantly higher salary than I receive.



1           Writing sensitive environmental documents should  
2 not be assigned to game wardens, anymore than reviewing  
3 highway construction plans should be written by a Highway  
4 Patrol Officer.

5           Many times, our department plays politics with law  
6 enforcement. There have been many cases where political  
7 pressure has caused investigations to be dropped or  
8 minimized because of direction from non-law enforcement  
9 managers and directors.

10          When a department is providing services to their  
11 constituency, and trying to make them happy customers, this  
12 may conflict with this Department's sub-mission of going  
13 after the same constituents when they break the law.

14          This creates an atmosphere where law enforcement  
15 is deemphasized and has a negative impact on morale.

16          Of course, in our case, the resources suffer  
17 because wildlife cannot complain to their elected  
18 representative that they are not getting adequate  
19 protection.

20          In summary, I believe that the best place for game  
21 wardens to be is in the Public Safety Department, where they  
22 can be part of a new 21st century law enforcement program  
23 that should be the model for the rest of the world.

24          I thank the Commission for affording me this  
25 opportunity to share my views, and I look forward to seeing

1 a better, more efficient State government in the very near  
2 future.

3 COMMISSION CO-CHAIRPERSON HAUCK: Okay, Steve.

4 Before we continue, I just want to point out that  
5 we have arrived at our adjournment hour of four o'clock.  
6 Commissioners are free to stay or to go, if they need to go.  
7 Joanne has volunteered to stay until --

8 COMMISSION CO-CHAIRPERSON KOZBERG: We have to be  
9 out by 5:00.

10 COMMISSION CO-CHAIRPERSON HAUCK: No later than  
11 five o'clock we have to be out of this facility.

12 So if you wish to stay, stay. If you cannot stay,  
13 that's okay.

14 The next person is John Rowe, and while he's  
15 coming forward, after that there's Janet Crawford, Jury  
16 Candelario. Cassandra already spoke, Cassandra Elston,  
17 right. Yeah, Cassandra Elston already spoke, I believe.

18 Mark Bautista, and Frances Nguyen, of the Asian  
19 Pacific Policy and Planning Council.

20 Okay, where are we here? John Rowe. Is John  
21 here? No.

22 All right, Janet Crawford.

23 MS. CRAWFORD: Yes, thank you for at least giving  
24 me this time. I'm Janet Crawford, I'm an R.N., a registered  
25 nurse that works for the Department of Corrections. I work

1 at California Institute for Women at Chino. I have been  
2 with the State for 20 years.

3 I'm here to address the recommendations to replace  
4 medical services with outsourcing, which is eliminating  
5 Bargaining 17 from civil service.

6 More than 25 percent of State registered nurses's  
7 positions in the Department of Corrections are currently  
8 vacant because of the State's inability to provide  
9 competitive compensation. As a result, the State spent  
10 about \$8 million on overtime for registered nurses during  
11 2002 and 2003, and is expected to have comparable increases  
12 for 2004.

13 The State paid nearly \$15 million to contract our  
14 private registry R.N.s during the same period.

15 According to the figures in the Deukmejian report,  
16 the cost of contracting out more than doubled from 2001 to  
17 2003.

18 New hires come in, they're orientated, but they do  
19 not stay.

20 The State is spending millions of dollars on  
21 litigation and legal settlements because of inadequate care,  
22 and that's due to lack of R.N. staffing, as well as  
23 services.

24 It would only cost the State about \$9 million to  
25 make the salaries of the 3,700 registered nurses comparable

1 with R.N.s in the private sector. That's a lot cheaper than  
2 contracting out and paying overtime. There is a nursing  
3 shortage. Outsourcing in nursing is a proven failure, both  
4 in terms of cost and quality of care.

5           Nevertheless, the Deukmejian report recommends  
6 even more contracting out of nursing and other services,  
7 perhaps the one reason why the Legislative Analyst's Office  
8 has reported that the projected savings from the California  
9 Performance Review are significantly over-estimated.

10           As you may know, our collective bargaining unit  
11 agreement with the State has expired June the 30th. That's  
12 why the registered nurses of CSEI -- SEIU, excuse me, Local  
13 1000, and CSEA are taking a stand for a contract that,  
14 first, provides a voice for R.N.s We want healthcare  
15 professionals, not prison guards, or unlicensed bureaucrats  
16 to decide how best to care for our patients and our  
17 profession.

18           Two, we want protection for R.N.s and our  
19 patients. We must end the dangerous and costly practice of  
20 mandatory overtime, which jeopardizes our patients.

21           Third, we want fair wages that will attract and  
22 retain R.N.s for our dangerously under-staffed profession.

23           Low staffing results in mandatory overtime,  
24 results in hazards to our patients.

25           Next, we want to create an equitable career ladder

1 to compensate R.N.s for their experience and education, and  
2 encourage them to remain and advance in State service.

3 Am I out of time? Oh, okay, thank you.

4 COMMISSION CO-CHAIRPERSON HAUCK: Thank you.

5 Before we continue, also, I'd like to acknowledge and  
6 sincerely thank Larry Herrera, who is the Long Beach City  
7 Clerk, who has been our timekeeper today.

8 Larry, thank you for yeoman work there.

9 (Applause.)

10 COMMISSION CO-CHAIRPERSON HAUCK: Jury Candelario.

11 MR. CANDELARIO: Good afternoon, everyone, I'm  
12 also going to be sharing my three minutes with my colleague,  
13 Frances Nguyen, who is one of the speakers.

14 We're here, representing the Asian/Pacific Policy  
15 and Planning Council, the Asian/Pacific Islanders Community  
16 Action Network, and also, the California API Legislative  
17 Caucus.

18 We're here to urge you to overturn the  
19 recommendation to eliminate the statewide Commission on  
20 Asian/Pacific Islander American Affairs.

21 This particular Commission has no fiscal impact,  
22 as it does not receive any State funding from the State.

23 MS. NGUYEN: Also, it's important to realize that  
24 this is not only important, but it's necessary to have this  
25 API Commission. In a State where there's no ethnic

1 majority, APIs, Asian/Pacific Islanders, are the fastest  
2 growing ethnic group in this State, with over 12 percent.

3           The Commission is a valuable mechanism made up of  
4 citizens, and community leaders from the community, who  
5 actually know and are aware of the issues facing this  
6 community.

7           The Commission does not administer any State  
8 programs, it only serves as an advisory board to the  
9 Governor and the Legislature.

10           Your suggestion of transferring their  
11 responsibilities to a newly formed Governor's Office of  
12 Community Affairs, will dilute the voice of the API  
13 community, and they may not be able to adequately address  
14 and recognize the issues facing this fastest growing group  
15 in the state.

16           MR. CANDELARIO: Lastly, the establishment of the  
17 Commission was an historic recognition of the  
18 accomplishments and needs of the California's growing API  
19 population.

20           Again, I'd like to stress this does not have any  
21 fiscal impact, and that we urge you to overturn the  
22 recommendation to eliminate the Commission.

23           Thank you for your time.

24           COMMISSION CO-CHAIRPERSON KOZBERG: Okay, now  
25 we're going to hear from Mark Bautista, Laura Koepke, Gina

1 Wagner, Craig Gilmore. If you could come forward?

2 MR. BAUTISTA: Good afternoon. My name is Mark  
3 Bautista, I'm Vice President of SEIU Local 1000, of  
4 California State Employees Association.

5 We represent nearly 15,000 State workers in the  
6 California Correction System, including nurses, medical and  
7 social service specialists, educators, technicians,  
8 administrative, and office staff.

9 We are on the front line of this system and we  
10 have seen the problems, and we have offered our help and  
11 have not been invited or allowed to be part of this process.  
12 We again, today, offer to help find the solutions.

13 Our correctional system used to be a national  
14 model. Now, it is bloated, wasted, and ineffective, and out  
15 of control.

16 Every expert on prisons and prisoners, even the  
17 Deukmejian Panel, itself, agrees that only by reducing the  
18 number of prisoners and parolees can we bring meaningful  
19 change, yet more and more prisons are being built and the  
20 prison population continues to grow.

21 The big reason of this is that two out of every  
22 three inmates that parole will be back in the system within  
23 18 months. That is the worst record in the country.

24 Yet, we are spending less on rehabilitation and  
25 more on punishment.

1           Of the \$5.7 billion that was spent last year in  
2 the prison system, only \$160 million was spent on education.  
3 That is less than three percent. As a result of this, 70  
4 percent of the inmates are denied access to education or  
5 rehabilitation programs.

6           Our correctional system is hooked on outsourcing.  
7 We already waste millions of dollars every year for private  
8 prisons and private nurses, and services by private  
9 companies whose primary goal is to make a profit, not to  
10 serve the public.

11           It is far more cheaper and more effective to  
12 recruit and retain dedicated, experienced State workers, who  
13 will serve Californians and not stockholders.

14           Despite this, the Deukmejian report calls for even  
15 more outsourcing of medical services to private contractors.  
16 This does not make sense.

17           We agree with some of the recommendations of the  
18 Deukmejian report, especially those that make the  
19 correctional system more accountable to the people of  
20 California. We support putting more authority into the  
21 department level, and creating a fair and unbiased  
22 Correctional Commission, Civilian Correctional Commission,  
23 to monitor the system. We simply must take control out of  
24 the hands of those who have a vested interest in maintaining  
25 status quo.



1           In states, such as Texas and Maryland, such  
2   successful efforts to reform criminal justice systems are  
3   being led by conservative politicians. They recognize that  
4   this is not just a liberal issue, and not about perks for  
5   criminals, it is about smart public policy, that makes our  
6   system more effective, our streets safer.

7           We hope Governor Schwarzenegger and the State  
8   Legislature will have the will and the political courage to  
9   do the same. Thank you.

10           COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.  
11   Laura Koepke, Gina Wagner.

12           MS. KOEPKE: Laura Koepke, I am President of  
13   Government Watch, a taxpayer advocate organization founded  
14   in 1979.

15           The premise of my concerns today are that the  
16   State has failed to protect, under its public safety  
17   responsibility, the children of California, resulting in  
18   death, sexual abuse, physical abuse, disappearance on a  
19   massive scale throughout the State, a scale that you cannot  
20   even imagine unless, as I have, you had spoken directly with  
21   the victims.

22           A child is more likely to suffer the things I just  
23   mentioned while in State custody, many several times more,  
24   depending on the state, maybe 6 to 11 times more likely,  
25   statistically, to be killed or suffer sexual molestation,

1    than they would have if they'd stayed with their families.

2               I was asked to investigate this in October of  
3    2002.  We have since had a public hearing, and you have this  
4    video in March, in San Bernardino, it was a bipartisan  
5    hearing, with federal and State officials attending.  None  
6    from California, except the federal Congressman that  
7    represents California.  A representative came from Arizona  
8    Legislature, and some other California people sent -- a  
9    Legislator sent staff people.

10             Two hundred people attended.  On this video you  
11    will see our favorite attorney in San Jose, Robert Powell,  
12    and I do wish you would speak with him; two State employees,  
13    retired from one of the larger State agencies, who spent  
14    \$125,000 and a trip to Alaska, to rescue their children from  
15    a molester; the former head of the FBI office in Los  
16    Angeles; a retired neurologist from San Diego; the Executive  
17    Vice President of the American Family Rights Association;  
18    the former head of FDIC, in Washington, and the Founder of  
19    Habitat for Humanity.

20             These were all witnesses on March 13th, of this  
21    year.

22             I mention this because these people would love to  
23    speak with you.  They would be willing to spend as much time  
24    as it takes.  We could provide you with witnesses from all  
25    over California, and they would be delighted -- I heard the

1 District Attorney from one county say, "we would be honored  
2 to help you and the Governor," and Government Watch would be  
3 honored to help you and the Governor. The American Family  
4 Rights Association would be delighted to help you and the  
5 Governor take care of this problem.

6 It's on the Governor's agenda, I know he is paying  
7 attention to this, and the First Lady has information on it,  
8 so perhaps you could talk with them about it.

9 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

10 Gina Wagner. Then Craig Gilmore, Monica Stel, and  
11 Melissa Birch.

12 MS. WAGNER: Good afternoon, ladies and  
13 gentlemen. I am Gina Wagner, I'm Vice President of  
14 Government Watch. I came to this country from Germany,  
15 thinking I left the holocaust behind me, but now I'm faced  
16 with another holocaust, a holocaust created by Health and  
17 Human Services.

18 Millions of children are taken illegally from  
19 their families, according to our investigations and the  
20 investigations of other organizations.

21 In California, 97,000 children reside in foster  
22 care. This is costing California taxpayers \$100,000 per  
23 child, per year.

24 Sixty-nine percent of all our prisoners come  
25 from foster care. Since State governments began using our

1 children as hostages, this abuse truly flourishes. Since  
2 1997, this atrocity has cost the American taxpayer \$285  
3 billion a year.

4 Many children are given, by judges, to known and  
5 convicted sex offenders. Many children die in foster care.  
6 Many children are missing and no one is held accountable.

7 Two nights ago I was listening to the O'Reilly  
8 Factor, on the Fox News, and the discussion was still about  
9 the four-year-old that is missing in Florida.

10 When are we going to talk about the thousands that  
11 are missing and dead.

12 Children, in government custody, have from 8 to 11  
13 times greater chance of being abused than those remaining in  
14 their own homes. Only three percent of all the children  
15 being seized are found to be physically abused.

16 California, in the year 2001, received \$4,388,000  
17 for its reward for increasing the number of children sent to  
18 adoptive homes over the previous year. This is \$2.9 million  
19 higher than any other state in America.

20 My recommendation is to investigate Health and  
21 Human Services at all levels. You will be amazed by the  
22 crimes and abuses committed on all levels of government.  
23 You must help protect the rights of all citizens, especially  
24 those of our children.

25 One Child Protective Service employee told one of

1 her victims, and I quote, "you can't touch me, look who I'm  
2 working for." She's a supervisor in Child Protective  
3 Services, in San Bernardino County.

4 Let's clean house. You can see from the attitude  
5 of this one employee, and others repeated thousands of times  
6 throughout California, alone. And I say it again, let's  
7 clean house, return the children to their families and save  
8 billions of dollars.

9 Thank you.

10 COMMISSION CO-CHAIRPERSON KOZBERG: Craig Gilmore.

11 MR. GILMORE: I want to thank you for extending  
12 the time for public comment and thank, particularly, the  
13 Commissioners who were able to stay and listen to this.

14 The IRP writes that "the key to reforming the  
15 system lies in reducing the number of prisoners." I urge  
16 you to put the same emphasis on that point, in your report  
17 to the Governor, that the IRP did. I think it is crucial.

18 The IRP outlines a number of ways to reduce the  
19 prison population, lower returns to custody, expanded  
20 educational and vocational programs, continuing to implement  
21 the new parole model.

22 And there have been other ideas that have come up  
23 today, Sheriff Carona spoke about "keeping people from  
24 coming in the front door in the first place."

25 The idea that reducing the prison population will

1 increase public safety is a hard sell in the Legislature.  
2 I've been there, I've tried to do it. I would take what  
3 Assembly Member Bates said this morning, that "it's a hard  
4 sell to the public," and work has to be done to that, and  
5 urge you, I would urge Governor Deukmejian, and Mr. Gunn, to  
6 take up some of that work to convince the public, the  
7 Legislature, and members of the Administration that this is  
8 a road that the State of California needs to go down.

9 My second point is that a new parole model was  
10 announced about a year ago, which forecast a reduction in  
11 the adult prison population by 15,000 prisoners by June  
12 2005.

13 The IRP suggests that the operable capacity of the  
14 system might be around 111,000 people. Can we set  
15 measurable goals to reduce the prison population to that  
16 level? I didn't see those sorts of goals in the IRP report.

17 My third point is this, the level one prison  
18 population, adult prison population is falling, and the IRP  
19 suggests that that population is going to continue to fall,  
20 yet it recommends renewing contracts with closed, private  
21 prisons, in order to house that population. I don't  
22 understand why we're adding capacity at level one and  
23 expecting and hoping for that prison population to fall  
24 further.

25 And finally, on the question of forecasting prison

1 populations, the IRP writes, "the current method used to  
2 forecast institutional populations has been shown to be  
3 remarkably accurate over a substantial number of years and  
4 provides the basis of planning."

5 I think that must be a typo in the report. In  
6 1995, California's adult population was 131,000. That year,  
7 the CDC forecast, a five-year forecast for the year 2000,  
8 estimating that the adult prison population would be 245,000  
9 by the year 2000. The actual number was 160,000. The CDC  
10 forecast an increase of 115,000 prisoners, the actual  
11 increase was 30,000.

12 I would urge that you approve the IRP suggestion  
13 that researchers in State universities take on this role of  
14 forecasting prison population and that they --

15 COMMISSION CO-CHAIRPERSON KOZBERG: You're going  
16 to have to wind it up.

17 MR. GILMORE: -- and that they publish, in  
18 addition to their projections, their actuarial assumptions  
19 and raw data that go into it.

20 Thank you for your time.

21 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

22 Monica Stel, then Melissa Birch, Karlyne Amaral,  
23 and Tommy Escarcega.

24 MS. BIRCH: Good afternoon, I'm here, representing  
25 a number of community organizations in Los Angeles, who are

1 concerned about both the high numbers of Angelinos in  
2 California State Prisons, as well as in local city and  
3 county jails.

4 While we commend the Panel for recognizing that  
5 reducing the number of people in prison is key to reform, we  
6 were disappointed that the Panel failed to address the  
7 relationship between State prisons, and city and county  
8 jails, and to make recommendations in that regard.

9 We feel that we can't ignore the fact that one of  
10 the main things driving the State prison population is  
11 decisions that are made at city and county levels, from  
12 police decisions to arrest and book, to sentencing decisions  
13 made in the courts.

14 For example, in L.A. County right now, there's a  
15 ballot measure that's been introduced to increase taxes in  
16 order to hire more police and staff for county jails.  
17 Meaning that, once again, L.A. County, you know, rather than  
18 seeking to reduce the reliance on imprisonment, to put money  
19 into rehabilitation and to curb correction spending, instead  
20 is planning to arrest and imprison more and more people.  
21 And this initiative stands in direct contradiction to many  
22 reform efforts being taken up at the State level.

23 We've seen that crowded conditions at the local  
24 level make counties more likely to push people into the  
25 State prisons. So in other words, the systems are not



1 isolated from one another and can't be treated as such.

2 And therefore, we feel that the Panel's  
3 recommendations should include incentives to cities and  
4 counties to develop alternatives to imprisonment and, at the  
5 very least, call for a study to be conducted at local  
6 levels, to determine how cities and counties can get on  
7 board with State reform efforts.

8 And there are plenty of models of counties around  
9 the country that have enhanced public safety by implementing  
10 reforms that have dramatically reduced local jail  
11 populations and, in turn, State prison populations.

12 As long as the State is at the mercy of local  
13 jurisdictions, it's going to have a hard time implementing  
14 its own reforms.

15 Thank you.

16 COMMISSION CO-CHAIRPERSON KOZBERG: Excuse me, one  
17 moment, are you Melissa? Is your name Melissa Birch?

18 MS. BIRCH: Yes.

19 COMMISSION CO-CHAIRPERSON HAUCK: Okay, great, we  
20 just got a little out of order.

21 Is Monica Stel still here?

22 Okay, Karlyne Amaral, then Tommy Escarcega.

23 MS. AMARAL: Good afternoon. My name is Karlyne  
24 Amaral, and I'm currently employed with the California  
25 Department of Social Services, as a Senior Special

1 Investigator. I have worked for this Department, in a peace  
2 officer capacity, for over 16 years.

3 The investigative functions of this Department are  
4 to protect and service the vulnerable population of the  
5 State, who receive services from 18 different facility  
6 types, ranging from infant and child care, foster care,  
7 assisted living for the mentally and physically impaired, to  
8 hospice care, and elder care. There are approximately  
9 360,000 licensed care facilities within this State.

10 In addition to completing POST-mandated  
11 Specialized Investigative Basic Academy, our investigators  
12 complete training in death investigations, child abuse,  
13 sexual assault, and elder abuse. Such training and  
14 expertise in these topic areas are necessary as, sadly, this  
15 Department receives approximately 4,000 complaints per year,  
16 alleging various types of abuse, and most disturbingly, even  
17 deaths within the State's most vulnerable clients.

18 Investigators are entrusted to investigate these  
19 complaints. To accomplish the awesome task we work singly,  
20 or with the local law enforcement agencies in criminal  
21 investigations of abuse, deaths, and unlicensed care.

22 We work with city and county district attorneys so  
23 that the charges may be brought against the offenders,  
24 including criminal and/or business and professions charges.

25 We are often the first responders to such

1   allegations.  Should we work with the law enforcement  
2   agencies, we are often the first investigating officer in  
3   the facility, due to our inspection authority.

4               There has been a decrease in the receipt of such  
5   abuse complaints against the facility clients.  We believe  
6   that our review and analysis of facility employees' criminal  
7   histories have been effective tools in this area of abuse  
8   prevention.

9               Contrary to the information noted in the CPR  
10   report, the investigators within this Department serve a  
11   vital purpose within the law enforcement community, and we  
12   request to remain in existence, in the capacity of peace  
13   officers, to serve the public.

14              Thank you very much.

15              COMMISSION CO-CHAIRPERSON KOZBERG:  Tommy  
16   Escarcega.  And before you start, Jim Skitt, Tiffany  
17   Brunelli, Susan Burton, and Lorraine Dillard are the next  
18   speakers.

19              MR. ESCARCEGA:  Hello, my name is Tommy Escarcega,  
20   and I thank you for the time.  I have an agency called  
21   "Brieto" Common Touch, and we work to legally assist and  
22   educate women on their parole due process rights.

23              A mockery, by definition, seeks to resemble that  
24   which it mocks.

25              The individuals in this Commission are obviously

1 not diverse, but those that represent law enforcement,  
2 therefore, I cannot even call this a mockery of justice.

3 The tone of the report depersonalizes any real or  
4 concrete accountability by any CDC administration or staff  
5 of not just corruption, inaccuracy, or as the euphemism  
6 says, being dysfunctional.

7 It briefly alludes to reports of assaults, reports  
8 of neglect, and abuse, while not even brushing over the  
9 violent attacks, murder, and mayhem that is continuously  
10 committed by individuals under the color of the law.

11 Fortunately, at least recently, and occasionally  
12 it has been exposed in both CDC and CYA.

13 On the inmate population management part, there  
14 was one concrete recommendation that we'd like to ask you to  
15 consider keeping or actually implementing, and that is the  
16 parolees identified as low risk assessment, should be  
17 discharged after three months.

18 As far as the main purpose of either prison or  
19 parole, parole, already by statute, part of its purpose is  
20 to assist and reintegrate the parolee into the society.

21 We must be very careful that our focus and our  
22 change, if it happens, to rehabilitation, does not become a  
23 tool for psychological control or abuse, or that which gets  
24 farmed out to only therapeutic community type of  
25 rehabilitation. We need a variety and a diverse input into

1 all this process, that represents all the citizens and all  
2 the residents of California.

3 I ask you to please consider attending the Shadow  
4 Commission Hearings, which will be held on August 28th, at  
5 the State Capitol.

6 Thank you.

7 COMMISSION CO-CHAIRPERSON HAUCK: Jim Skitt.

8 MR. SKITT: Good afternoon. My name is Jim Skitt,  
9 I'm a Senior Special Investigator with the California  
10 Department of Social Services, Community Care Licensing  
11 Division.

12 And two of your previous speakers have spoken of  
13 the high rate of physical and sexual abuse of people who are  
14 in State custody. In fact, the number of deaths of foster  
15 children, in the County of Los Angeles, has been of grave  
16 concern to the federal government, and there have been a  
17 number of hearings by the Los Angeles County Board of  
18 Supervisors, dealing with this issue.

19 And further, the Los Angeles County Board of  
20 Supervisors has their own special investigators, who go out  
21 and investigate the deaths of foster children.

22 I am here to recommend that the investigators of  
23 the California Department of Social Services, Community Care  
24 Licensing Division, be part of the new Department of  
25 Homeland Security. They are not now being included and they

1 are, according to the report, to be declassified as peace  
2 officers.

3           They have the same training as the other  
4 investigators in State service. They go through the same  
5 POST training, yearly, to maintain their status as peace  
6 officers. They perform some of the most difficult  
7 investigations, dealing with disabled adults and impaired  
8 children, that require special skills in interviewing  
9 children and adults with very limited vocal and intellectual  
10 capabilities.

11           Over the past several years there have been  
12 changes in the Department of Social Services that have  
13 restricted the number of arrests, and inspection warrants,  
14 and search warrants that were being conducted by the  
15 investigators, because they were removed from many of the  
16 investigations of unlicensed facilities.

17           And this is very tragic because in these  
18 unlicensed facilities, sometimes, some of the most  
19 horrendous of the abuses occur. This reduced the number of  
20 arrests, search warrants, and inspection warrants that the  
21 investigators were involved in, and this is one of the  
22 reasons why the statistics were low in the evaluation of the  
23 CPR team.

24           The CPR team also mentions the aspect of the  
25 investigators not carrying weapons, and the investigators,

1 and the union for the investigators, have attempted to  
2 become armed over the last several years, and it has been  
3 the decision of the Department, that they would not be  
4 armed.

5 This is not the failure or consequence of the  
6 investigators who brought this about.

7 I, therefore, strongly urge you to reconsider the  
8 conclusions of the CPR team and --

9 COMMISSION CO-CHAIRPERSON KOZBERG: You're going  
10 to have to wrap it up.

11 MR. SKITT: Okay. -- and include the  
12 investigators in the new Department of Homeland Security.

13 Thank you.

14 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

15 Tiffany Brunelli.

16 MS. BRUNELLI: Good afternoon, or maybe evening.  
17 My name is Tiffany Brunelli, and I'm employed as a peace  
18 officer with the California Department of Social Services,  
19 Community Care Licensing Division, Bureau of Investigations.

20 The recommendation, by the California Performance  
21 Review, to reclassify CCL peace officers to non-peace  
22 officer status is alarming and dangerous.

23 Furthermore, the evaluation was based upon  
24 misleading and inadequate information.

25 We perform complex field investigations to detect

1 or verify suspected violations of law. Specifically, I use  
2 law enforcement expertise to investigate crimes of physical  
3 and sexual abuse, and questionable deaths in preschools,  
4 after-school childcare centers, foster care homes, homes for  
5 adults who are mentally or developmentally disabled, and  
6 residential homes for the elderly.

7 To make it plain, our investigations result in the  
8 removal of dangerous and violent perpetrators who seek to  
9 harm the most valuable population of our community.

10 We work closely with the detectives of local  
11 police and sheriff's departments on our cases and, in most  
12 instances, we are the catalyst for investigation and the  
13 first responder.

14 Allegations reporting to the child abuse hotline  
15 are cross-reported to local law enforcement. But due to  
16 their workload constraints, and lack of expertise in this  
17 area, these complaints are often not a priority.  
18 Consequently, we take the lead in these investigations. We  
19 conduct interviews of the victim, witness, and suspect in  
20 secure and unsecure environments, licensed and unlicensed  
21 facilities, private homes, schools, and hospitals.

22 We do so during day and evening hours, and on  
23 weekends.

24 We photograph the crime scene and the victims. In  
25 addition, we obtain police reports, 911 transcripts,



1 paramedic and hospital records, and forensic medical  
2 reports.

3           We confer with attorneys, physicians, therapists,  
4 and social workers. As a safeguard, we obtain information  
5 from the Department of Justice on each suspect before we  
6 make contact. Our peace officer status gives us access to  
7 information, which is not afforded to other employees within  
8 this Department.

9           We forward our findings to the assigned detective,  
10 who presents it to the district attorney for filing, or we  
11 file our own investigative report with the district  
12 attorney's office. We are not armed, therefore, we do not  
13 make arrests.

14           Nevertheless, a criminal complaint is a more  
15 valuable method of bringing our suspects to court, as it  
16 gives the prosecutor more time to research our unique cases.

17           In most instances, a search warrant is not  
18 required because the allegation is in a licensed facility.

19           So I'd like to thank you and recommend that you  
20 please consider our most vulnerable population, which  
21 includes children, the mentally and developmentally disabled  
22 adults, and the elderly, and consider including us with the  
23 proposed Department of Homeland Security.

24           Thank you.

25           COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

1 Susan Burton. Okay.

2 Lorraine Dillard.

3 All right, next is James Harris, Donecia  
4 Providence, Marilyn Montenegro, and Gina Simensca.

5 Are any of those speakers here? Is Gina Simensca  
6 here?

7 All right, we have Joan Greenwood, Lee Wochner,  
8 Elizabeth Mertain, Steven Tyler, Ryan Bork, Lindsey Shields,  
9 Denise Bidolla, and Joe Mello.

10 Could you come forward and tell us your name, I  
11 think some of the people may have left.

12 MS. JOAN GREENWOOD: Good afternoon. My name is  
13 Joan Greenwood. I am President of the Wrigley Association,  
14 a neighborhood group here, in Long Beach. We represent  
15 approximately 20,000 residents and businesses. We are  
16 located between the Pacific Coast Highway, the 405 Freeway,  
17 directly adjacent to the Los Angeles River.

18 For the past ten years, as their Environmental  
19 Chair and now, as their President, I've probably devoted  
20 more than 3,000 hours of my time to issues related to  
21 environmental management. In fact, it led me to a new  
22 vocation.

23 The Wrigley Association Board of Directors voted,  
24 unanimously, to oppose Resolution 12, Restructure Funding  
25 and Governance for Certain Land Conservancies.

1           We are particularly concerned over the  
2   recommendation to eliminate the San Gabriel and Lower Los  
3   Angeles Rivers and Mountains Conservancy, as well as the  
4   Coastal Conservancy.

5           When she was a State Senator, Hilda Solis invited  
6   me to Sacramento to testify in favor of the formation of  
7   this new Conservancy. During its early years, I attended  
8   most of the Board meetings and watched it evolve into  
9   perhaps what should be the model for conservancies in this  
10   State, certainly not an organization that should be  
11   eliminated.

12           I am concerned because in the recommendation there  
13   is factually incorrect information concerning the makeup of  
14   the Governing Board.

15           One of the key issues in the formation of this  
16   Conservancy, and bringing together the legislation,  
17   sponsored by Assemblywoman Davis and State Senator Solis,  
18   was the makeup of the Governing Board. It is made up  
19   primarily of elected officials, who are accountable to the  
20   public right here in the area that they serve. It is not  
21   dominated by State staffing.

22           This is very important because there's also a  
23   considerable non-voting membership of this Governing Board,  
24   and that's where most of the State agencies are represented.

25           This Conservancy was formed to service the needs

1 of an under-served population. We, in the urban  
2 environments, we contribute to those bonds. We are  
3 promoting watershed management. This Conservancy is  
4 working, and I do not see why this one has been recommended  
5 to be eliminated, but yet the Santa Monica Mountains  
6 Conservancy will continue.

7 This is clearly an issue of environmental justice.  
8 And again, this recommendation should be eliminated from the  
9 CPR. It was not thoroughly researched, and it will be the  
10 subject next week, of further discussion, and I thank you  
11 for your time.

12 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

13 Lee Wochner.

14 MR. WOCHNER: Hello, I'm Lee Wochner, I am Board  
15 President of California Arts Advocates. I'd like to thank  
16 you for your service and your patience, and thank Mr.  
17 Herrera for a thankless job.

18 California Arts Advocates advocates for support of  
19 California's arts and culture economy which, clearly, we  
20 understand that California is known for its arts and  
21 cultural economy.

22 I'm going to give you a couple of quick  
23 statistics, and then tell you quickly why I'm here. In  
24 California, the arts add \$5.4 billion to the State's  
25 economy, support more than 160,000 jobs, and generate nearly

1   \$300 million in tax revenues. By the way, the State of  
2   California makes a \$1 million investment, currently, in this  
3   return, that's it.

4           According to Dun and Bradstreet, there are 87,719  
5   arts-related businesses in the State of California.  
6   Creative industry jobs are essential to our State's economy.  
7   And certainly, the Governor understands what we're talking  
8   about.

9           While we agree that streamlining government is  
10   essential to California's fiscal survival, dividing arts,  
11   culture, and historic preservation among several proposed  
12   agencies, including the California Service Corps, Department  
13   of Parks and Recreation, Secretary of State's Office,  
14   Department of Education, and Work Force Preparation is not  
15   the answer. It will only splinter and ultimately diminish  
16   the positive impact arts and culture has on California's  
17   tourism, education, economy, and quality of life.

18           The California Arts Council, to give you only one  
19   quick example, often acts as a convener, so that arts  
20   organizations can exchange knowledge, exchange marketing,  
21   and so forth, and there's no public investment in this.  
22   Splintering these activities will only further harm us in  
23   our effort to build the economy.

24           California Arts Advocates, with its representation  
25   of a broad spectrum of stakeholders, is a logical resource

1 for the California Performance Review Team, and the  
2 Governor's Office.

3 We welcome an opportunity to assist you in  
4 building a better California. Please call us to serve. We  
5 will follow this up with an e-mail. We also have our  
6 representative in Sacramento, meeting with folks about this.

7 Thank you for your continued hard work and support  
8 for the arts. Thank you.

9 COMMISSION CO-CHAIRPERSON KOZBERG: Elizabeth  
10 Merkin?

11 Steven Tyler?

12 Ryan Bork?

13 Lindsey Shields?

14 MS. SHIELDS: Thank you. I was prepared to say  
15 Co-Chairs, Commissioners. I'd like to say thank you for  
16 staying. I've been on both sides of this aisle, it's very  
17 important that you're here, and I really, really have to  
18 thank you for staying.

19 Co-Chair Joanne Kozberg, thank you for all the  
20 work you've done over the years.

21 I'm here, I'm a Long Beach citizen, I am involved  
22 in the arts.

23 Sitting here, listening to all the testimony, the  
24 arts is pervasive in everything in California, it is a  
25 multi-billion dollar industry, it is not a service industry.

1 I would really ask you to give great thought to putting the  
2 arts, the arts industry where it belongs, with your new  
3 formula for the State of California and how it's governed.

4           You know, it's within the prison system, it goes  
5 through all the education, through all of the -- oh, I'll  
6 read my notes here for a minute because I get so passionate  
7 about this.

8           Well, listening to all the panelists, you know,  
9 connections with Corrections, and Homeland Security, arts  
10 programming is in all correctional institutions, it  
11 influences rehabilitation and transitions, and in times of  
12 adversity or terror, the arts are a definitive emotional  
13 catalyst that helps humanity cope with atrocities, and also  
14 honors those lost in tragedies.

15           But it's a multi-billion dollar industry, and we  
16 need to give it credit, where credit is due. Yes, it's  
17 service, yes, it's emotional, yes, it's tourism. But it is  
18 bottom line economics that is pervasive through all of these  
19 industries and arenas for the State of California.

20           And I don't think anybody -- I mean, I'm sure that  
21 the Governor, he's the perfect person to lead this charge.  
22 He has all sides within his background.

23           And in January of 2001, the State Board of  
24 Education passed an historical visual and performing arts  
25 standards for sequential arts education, K through 12. And

1 I think a lot of this was brought on by our technology age  
2 and how incredibly important creativity and learning  
3 creative skills is for all of us in education, and in K  
4 through 12.

5 And about this time, former Governor Pete Wilson  
6 also put millions of dollars into higher education  
7 organizations because of that technology factor. And you  
8 cannot be on the creative edge of technology without arts  
9 and creativity. So creativity, of course, is taught through  
10 the arts.

11 So I would just stop here and say, you know, in  
12 Rome, when the Sistine Chapel was built, nobody remembers  
13 the Governor's name, but they remember the artist.

14 So I think that this is the time for California,  
15 now, to take the Governor and the arts, and put them where  
16 they belong for the state of our economy.

17 Thank you very much.

18 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you,  
19 Lindsey.

20 Joe Mellow?

21 Douglas Parsons? And Teddi-Joy Remhild.

22 MR. PARSONS: Good evening and thank you, again,  
23 for staying late so that you can hear the voice of the  
24 public.

25 I am Douglas Parsons. I have the pleasure of



1 being the Superintendent of Operations for the Marine  
2 Bureau, for the City of Long Beach.

3 I am also speaking for the California Association  
4 of Harbor Masters and Port Captains.

5 Let me take you back to your first meeting, if I  
6 might, which was on infrastructures and you learned, at that  
7 point, that the Department of Boating and Waterways was then  
8 being recommended as a Division under Infrastructure. But  
9 it didn't have any charts, it didn't have any issues, and it  
10 didn't have any recommendations to present to you.

11 We presented at that time that the tax money from  
12 the boaters, that supports and runs DBWA be used exclusively  
13 for boating and not commingled.

14 There was a recommendation from CPR that the  
15 transportation funds be used only for the transportation  
16 projects. This was the request that we made to you at the  
17 Riverside meeting, that the tax funds and registration fees  
18 for the boaters be used directly and only directly for the  
19 DBWA projects, which are or which need \$825 million to  
20 renovate the infrastructure of your marina and launch ramps  
21 for the public in the State of California.

22 Once that money is protected and taken to DBWA,  
23 then it is evaluated, broken up, and part of that money goes  
24 back out as loans and grants.

25 The function of the DBWA Commission is to allow

1 that or to approve the work of staff. Since the taxpayers  
2 are not involved with the DBWA funds, or the cost of running  
3 the department, that is out of the boaters taxes, we would  
4 like to have the recommendation to eliminate the DBWA  
5 Commission reversed.

6 There is one other small point, that the DBWA has  
7 been lending money for the marina renovations for some time.  
8 Because there are only small amounts available, sometimes it  
9 takes six years for the city or the county to gather the  
10 money together that is necessary to make the improvement.

11 We have \$150 million in progress at the present  
12 time. If you take away the Commission, and do not open up a  
13 flow of that funds, those people, or those projects that are  
14 currently in process will be seriously damaged. We cannot  
15 stop a project halfway through. And the Commission has the  
16 capability to ensure that the people who have been playing  
17 by the rules, and growing with DBWA, will not be damaged  
18 because of the change in DBWA.

19 Thank you for your time and your attention at this  
20 late hour.

21 COMMISSION CO-CHAIRPERSON KOZBERG: Thank you.

22 Teddie-Joy Remhild?

23 Colleagues, that is the last speaker. Thank you  
24 all for staying. And again, Larry Herrera, you were a  
25 champ.

1 (Audience comment.)

2 MS. SAMENZA: May I?

3 COMMISSION CO-CHAIRPERSON KOZBERG: Certainly.

4 MS. SAMENZA: Good afternoon. It's my honor to  
5 come before the California Performance Review today, as a  
6 young woman with a disability, who is a living testament to  
7 the extraordinary nature of the opportunities California  
8 provides its citizens.

9 I'm Gina Samenza, and I'm here to respond to the  
10 CPR's recommendation under evaluation of California's boards  
11 and commissions, on behalf of the California Governor's  
12 Committee on Employment of Persons With Disabilities.

13 I greatly appreciate these hearings, and also for  
14 allowing me to illustrate how I believe the California  
15 Governor's Committee is an integral part to efficient and  
16 responsive State government, that promotes and enables  
17 individuals with disabilities to become a vital work force  
18 in our great State.

19 At the age of 23, I have a degree in political  
20 science, and I'm currently working towards a master's degree  
21 in public policy.

22 In addition, I have spinal muscular atrophy, which  
23 requires the use of a power wheelchair. Talk about  
24 pressure. I'm a bright, educated, and motivated young woman  
25 with a disability.

1           Throughout my life I've had to work twice as hard  
2 to prove my abilities in a society that presents many  
3 hurdles for a person with a disability to successfully  
4 transition into meaningful employment.

5           However, I would not be where I am today if it  
6 were not for the amazing work of the California Governor's  
7 Committee on Employment of Persons With Disabilities.

8           The Youth Leadership Forum is an extraordinary  
9 program. The California Governor's Committee understands  
10 that investing in youth with disabilities has unsurmountable  
11 high returns, and there are no other programs like it, here,  
12 in California.

13           This Agency is responsible for the immeasurable  
14 success of over 700 youth with disabilities, since 1992, and  
15 I am one of them.

16           When I was 17, I had never known anyone else with  
17 a disability. I had no one to look up to or even to relate  
18 to. It was at that vulnerable time in my life that I  
19 attended the Youth Leadership Forum for High School Students  
20 with Disabilities, created and run by the California  
21 Governor's Committee.

22           For the first time, ever, I was relating to peers  
23 with disabilities, and meeting adults with disabilities that  
24 I wanted to be like.

25           The mentors I met inspired me to become a viable

1 leader and instilled a strong sense of confidence in myself.  
2 Not only was I affected by the individuals in the program,  
3 but I also learned many fundamentals, like civil rights and  
4 advocacy, helpful resources, and disability culture and  
5 history.

6 The confidence and support from this time in my  
7 life carried me through college and now, into the working  
8 world. My life has forever been changed because of the  
9 California Governor's Committee.

10 I fully support the mission of CPR. However,  
11 people with disabilities are the most unemployed,  
12 impoverished, and under-represented group of minorities in  
13 our State.

14 If the Commission proceeds and continues to  
15 recommend the elimination of the California Governor's  
16 Committee on Employment of Persons With Disabilities, then  
17 California's reputation for progressive values will become  
18 regressive. Without the existence of the California  
19 Governor's Committee, then California will be inadvertently  
20 promoting supplemental security income as a main form of  
21 livelihood to millions of Californians.

22 California has a proud history of being number one  
23 in the nation in respect for policy for individuals with  
24 disabilities. Our Governor wants to see that California is  
25 an empire of aspirations for all people.

1           Please, in good conscience, do not eliminate the  
2   California Governor's Committee on Employment of Persons  
3   with Disabilities. Thank you.

4           COMMISSION CO-CHAIRPERSON KOZBERG: Thank you,  
5   Gina.

6           And that concludes the meeting.

7           (Thereupon, the September 10th  
8           meeting and public hearing of the  
9           California Performance Review was  
10          adjourned at 5:04 p.m.)

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## CERTIFICATE OF REPORTER

I, RONALD J. PETERS, a Certified Shorthand Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing State of California, California Performance Review Corrections Reform and Public Safety hearing was reported by my staff and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties in this matter, nor in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of September, 2004

Ronald J. Peters

Certified Shorthand Reporter

License Number 2780

Certified Manager of Reporting Services

Registered Professional Reporter

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